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ABSTRACT

These four conference papers from the Biennial Conference on Postsecondary Education for Persons who are Deaf or Hard of Hearing focus on different perspectives of change. The first paper, "The Impact of the Current Political Climate upon Legislation for Persons with Disabilities" (Robert Stodden), shares the experiences of a Senatorial staffer on the Senate Subcommittee on Disability Policy. How things work in Washington, the political climate of the Republican controlled Congress, and the reauthorization of the Individuals with Disabilities Education Act are addressed. The second paper, "The Challenge of Change: Bringing the Federal Perspective to the Local Level" (Bobbie Beth Scoggins and others), discusses changing trends in providing services to individuals with deafness from the perspectives of consumers, postsecondary student service providers, and institutions, and changes occurring at the state and federal level. In the third paper, "Understanding Each Other" (Steve Larew), the president of ADARA describes his personal experiences and discusses the different populations of people with hearing loss. The final paper, "The Impact of Change on Student Services" (Jane Jarrow), addresses some of the danger signs on the horizon for students with disabilities in higher education, specifically for students with deafness and who are hard of hearing. (CR)

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Considering Different Perspectives of Change

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1996

Challenge of Change: Beyond the Horizon

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EC 305948

The Impact of the Current Political Climate Upon Legislation for Persons with Disabilities

Robert Stodden
U.S. Senate Subcommittee on Disability Policy
Washington, D.C.

Thanks, Bill, for that introduction, and, actually, I do feel like a Southerner in a lot of ways. It's great to be in Tennessee. When Bill Woodrick made the request for a presention at this conference, it went through Senator Frist's office. One of the things that I learned when I first got to Washington was that when something comes from Tennessee, you respond to it immediately. We get 20 or 30 requests to speak every week in different places and, I have to be honest, the Tennessee requests go first. So it's great to be down here. In some ways, I am representing the Subcommittee on Disability Policy for the Senate, and also Senator Frist in this presentation. Basically, I have been a policy fellow in the U.S. Senate for the last year which has been a very interesting phenomenon. I was selected as a Kennedy Policy fellow through the Kennedy Foundation about a year and a half ago, so I'm on sabbatical from the University of Hawaii. The Kennedy family, as most of you know, are Democrats and as I was selected, the 104th Congress came in. The Senate turned over and became a Republican Senate, and the House became a Republican House. So I was faced with the dilemma when I was coming to Washington of being affiliated with a Democratic family and a Democratic foundation and being in the position where I was going to serve in a Republican committee for a Republican Senator. This created a very interesting situation which took about six months to work out before people began to figure out that I was really in a non-partisan role.

The other thing that kind of threw me when I first got to Washington -- I don't want to scare you with this -- is that most staff members are young kids. I'm by far the oldest person on staff in almost all of House and the Senate. Most of the staff members are young kids that graduate from college and affiliate with a Senator or a campaign. They look at working in the Senate as a way to work themselves up. So not only do you have young kids that have absolutely no life experiences or experience with the topic, but they also are not very interested in the topic because they're concerned about their next job. Most of them are very transient in nature, staying there for six months to a year with the hope of moving up to another staff level or to a law firm or something of that sort.

I would like to set a challenge in this presentation for you to become involved at the policy level. Before I went to DC to work in the Senate, I had been a university faculty member for about 20 years. I had very little interest in politics and very little interest in policy or legislation. What I have seen during the last year is that it is critical for people in the field to have something to do with policy and legislation.

In many cases, your careers depend on what happens in the U.S. Congress and in the White House. Most of the agendas and the initiatives that you work within are federally driven and federally funded. Since

you are the people who know what needs to be done, what the research is, what the answers are, what the best practices are, and what works for people with disabilities, it's critical that your input gets to the federal level where policies are developed. Currently, it doesn't happen frequently. Most of the decisions that are made have little or no basis in anything that happens beyond the beltway.

As I talk about things tonight, I would like to challenge you to become involved in policy as we consider local, state, and federal policies. Keep that in mind as you listen to some of the things that we're going to touch on tonight. I am leaving Washington in about a month when I finish this fellowship. Part of my job as a policy fellow was to work on the Work Force Development Act in the Senate, which is a piece of legislation that is realigning and consolidating all the major employment, training, and vocational training legislation at the federal level. Another major piece of legislation that I worked on is the Individuals with Disabilities Education Act (IDEA), with a focus on pieces related to elementary, secondary, and postsecondary education. At this time, none of these bills have gotten out of the Senate or the House. So I will save the bad news for the end. Not that it's bad news, but since many of you have listened to the media over the year, some of this news is rather disturbing and rightly so.

I'd like to touch on four different things over the next hour or so. One issue is how things work at the federal level because I think it is fairly important and it is very confusing to people. It still is confusing to me even after having worked in it for a year. Second, I'd like to talk about what people in Washington refer to as the new political climate that is affiliated with the 104th Congress. I will discuss how you address that climate and how you fit within that climate as well as how you work within it. I will spend a little bit of time updating the current status of legislation, particularly IDEA, and appropriations. We will discuss a little about upcoming legislation, particularly the Rehabilitation Act that will be coming up this next year for reauthorization, as well as a few comments regarding the future disability legislation.

How Things Work

As most of you know, there are three major bodies that participate in authorizing legislation at the federal level. Typically, legislation can be authorized in the House of Representatives or it can come from the Senate. It can also come from the administration, like the Department of Education or those representing the White House. Typically, for any major bill or any major act that is going to be reauthorized, it will be introduced by all three of those branches of government. So, typically, there are three bills that are in existence. An entirely different process occurs when appropriating funds for legislation. There is an authorization process and an appropriations process. The strange thing about this is that these two are completely disassociated with each other. Since they are in completely different committees, a bill may be authorized and have tremendous need and value, but it may never have any funds appropriated for it. In some cases, funds are appropriated for programs that have never been authorized. But in most cases, something that

is authorized goes to the appropriations committee, and a separate set of members who make up that committee decide the amount of money to be authorized.

Many of you are familiar with the appropriations process this past year. This has been one of the most disastrous years in the Congress in trying to pass an appropriations bill. Appropriations bills are passed as a whole package, like an omnibus, which is a large number of bills put together in a bundle. In this case, the major omnibus bill was all of the health, education, and welfare programs. While the bill still has not been passed, it's projected to be signed next Wednesday. I think President Clinton is looking forward to signing this bill that has been worked out in the last couple of months.

But over the course of this year, the appropriations process has been very messy and very political. Where the Republicans took a stand in one direction, the Democrats took a stand in another direction to maintain a hard line on certain programs that they each wanted to be sure were funded. It was a give-and-take process. Finally, in February and March, the Republicans more or less threw in the towel and most programs have been funded at the full level for which were authorized. As you can see, the processes of developing a bill and getting that bill passed and authorized in the Congress are totally separate.

Using IDEA as an example, the initial work for its reauthorization started in March of 1995. First there was an administration bill from the Democrats that came out during the summer. The Republicans presented a discussion draft in the fall. The Senate also presented a discussion draft in the fall. While there were three bills on the table in terms of authorization, only one bill, obviously, has to come out at the end. So there is a process of tremendous compromise that needs to happen for a bill to ever surface. It is much easier not to pass something than it is to pass something. It's much easier to kill a bill than it is to have one pass which is why so few bills are passed.

Political Climate

I would like to discuss climate of the 104th Congress that we have seen this past year. In November of 1994, the Republicans took over both the House and the Senate by a fairly large majority. This climate, I think, is not the climate that came with the selection of a Republican majority. The Republicans have had majorities in either the House or the Senate, as well as control of the White House, many times in the past, but we haven't necessarily seen this climate before. There are certain things about this climate that I think are good for people to know. Most of them have just come to the awareness of lobbyists, staff members, and other think tanks in Washington within the last three or four months, as the budget or the appropriations language has started to take form.

One of the characteristics of this climate is reflected very much in the attempt to limit terms of Congressional members. It is seen in terms of new people entering Congress, particularly this last time, who see themselves as citizen legislators. In other words, they do not see themselves being elected and being reelected and reelected and reelected until they retire. They do not see themselves as career politicians. In a lot

of cases, they see themselves coming in for one or two terms. They are coming to the Congress with agendas or issues that have a strong grass-roots focus. They are very targeted and very focused with these issues, and they want action. What they don't have is the political history that in the past many of the Representatives and Senators in the Congress have had with a long-term history with different pieces of legislation and close work with different lobbyists and lobbying groups. They've done favors for different people in the past, and there is a history to work against. Many of the Representatives, in particular, who came into the House recently were not interested in this type of interaction with lobbyists, staff members, or anyone. They brought with them agendas that they were interested in achieving. Now, this has stumped a lot of the people in Washington, particularly lobbyists, bureaucrats, and other people that work in the government who have had a hard time figuring this out. I think recently there has been quite a bit of thinking and studying about what effect this will have. It will also be very interesting to see if November brings another round of citizen-type legislators into the House and/or the Senate.

Another characteristic of this group of people making up this new climate in Washington is a real focus on grass-roots. Questions that are asked are very much asked from a grass-roots focus. People want to know things that are happening to the voters. I'm not saying this is necessarily new, but this is much more evident than it has been in the past. Often someone who has been in Congress for 20 years will typically respond to an agenda from a lobbyist position. People today are responding to agendas much more from a grass-roots, local voter position. Again, this makes it difficult for many people when they interact with members of the House and Senate or their staff.

The new climate in Washington includes a focus on the results or outcomes in terms of the questions that people are asking. People want to know if things are needed, if they work, and what the results have been of legislation. Those questions are asked very seriously, and over and over again. Many of the people that have worked in the past with the Congress are having difficulty responding to those questions or even being able to think in that context.

The new climate maintains the general sense of a need to down-size the federal role. The questions, "How do you work without this?" or "What would happen if you didn't have this?" are being asked which, in some sense, are logical ones to ask. While not many people are prepared to answer these, they are questions that are very much related to the general sense that the federal role is much larger than it should be or that the federal role is in many areas in which it was never intended to be. These are a number of things that make up this new climate that we have perceived now for almost a year and a half.

People have responded to this climate, and I would like to talk specifically to the disability community about some of the things that I have observed in terms of the response to this climate. I think there are critical lessons in these responses. One of the things that you observe in relation to this new climate is that people get into a "win-lose" mentality right away. As an example, consider last fall when the appropriations committee in the House zero-funded personnel preparation programs for institutions of higher education within IDEA.

These were discretionary programs. Immediately, people began to ask why some got funded and others did not. How come Parent Information and Training Centers got funded? How come research or, in some cases, very specialized areas of research were funded? Immediately, people began to look at who won and who lost. Then they began to make up reasons why this was the case.

Now, the result of this was a divide-and-conquer type of strategy. In a lot of ways, the disability community fell into it. As people began to bicker a little bit, they picked out specific groups. How come parents are getting their money? How come programs for the seriously emotionally disturbed are getting their money? Why won't our program get its money? The division occurred within the general disability community itself.

This resulted in something that was very apparent, particularly last fall as the appropriation activities were going on. One of the things that was very noticeable was that people seemed to be under an aura of an inability to act. It was as if they were bickering with each other and could not take up the cause to say something that made any sense. So there was no action for a long time. There was a general panic that occurred that was reflected in presentations of worst-case scenarios. Terrible atrocities were predicted if particular programs were eliminated. Scenarios like these spread around the country. People became overly alarmed and increasingly unable to act. Now, people have kind of surfaced above this a little bit in the last six months or so. But as this new climate came into effect, this was response that accompanied it.

Initially, this was very problematic. There were several things that could have happened and needed to happen for the disability community to surface effectively. First, there was a real need to connect with the majority party. After about four months in DC, I began to think after that maybe there were no Republicans in the disability community. I thought that maybe there aren't any, or maybe there are very few. I also know that isn't true. However, it was impossible to find people in key states who knew Representatives and Senators on any kind of basis where they could make a difference. In other words, there was a need to call up their office or the staff director and say, "Hey, this program you're defunding, this is a critical program to my children, to the community, and I want you to fund it." We couldn't find anybody who could say that or who had the connection to make the call.

An example of where it did happen successfully was with the Parent Information and Training Centers. Representative Livingston, who was in charge of the committee that zeroed-out that program, received many phone calls from parents the day after that zero was reported. Those who knew him fairly well made calls to that office to let him know that the loss of this program would hurt children. That program was funded immediately and the zero changed to millions of dollars just like that. In our political system, there's an important need to be able to respond that way. It is also important for people in the disability community to be connected politically on both sides of the aisle in the Democratic and Republican parties.

It is also important in terms of the response to learn about the context and language of the current climate. We have this new climate that emerged in 1995, and is still there in 1996. New terms were being used

7

and there was a very different context. I will share an example of how people did not study this context, think about it, and respond appropriately within it. When the personnel preparation programs were zero-funded in IDEA last fall, a lot of lobbyists came to Washington. People from universities came to Washington to lobby for funding for those programs. However, their presentations focused on the fact that these programs have been around for more than twenty years. They emphasized that these programs have trained *X* thousands of special education and related services personnel in this country and what a tremendous difference they have made in this country.

The staff members listening to this nodded their heads, and when the supporters were done, they responded, "Well, sounds like this was a great program. Sounds like you guys trained a lot of people who made a difference. Why do we still need this program? If you did such a good job, why do we still need this program?" The supporters were dumb-founded that there would be a response like that. That is an example of the context currently in place in the Congress. I think people in the past have not been used to presenting, responding and answering and getting that type reaction, so they were shocked and speechless when that happened. They were also unable to be effective.

These are not necessarily things that apply only to this Congress. If you are going to interact at the federal and state policy level, these are things that you need to do with any group of people. There is a real need to connect at the local level to understand what is happening in your community and state what needs to be communicated at the federal level. The local level is made up of voters who are consumers of our services, training, and research programs. When they say something to someone who is elected in Washington, DC, it means much more than if any of us in higher education say something. What the consumer say or what the parent says mean far more than what you can say. So there is a real need to link yourself with the consumers, the community, and the families that are perceived as voters.

One of the things that I learned in one of my first meetings last year was that I could not advocate for programs in higher education because people knew my roots. To be self-serving and to speak for those programs would have been a major trap. My advocacy for those programs had to be through other people. There was no way that I could stand up for those programs and reflect my own interest. The same is true for many of you. There is a real need to get to the people that actually are the consumers of those services and have them represent the program.

The last thing that you might consider in terms of this new political climate is that you need to make the case for your program within the context of that climate. You cannot make the case externally. In other words, mailing a thousand letters or doing other kinds of things may have some effect. However, more than likely, they will not. There is a need to learn what the climate is as well as what its context is, then make your case within it.

Let me use some of these examples in terms of IDEA. I will talk a little about IDEA, some of the problems, and some of what has emerged. I will also discuss the discretionary programs, which are the

programs that involve higher education. While my perspective will specifically be how the Senate works around these bills, keep in mind that the House of Representatives is doing the same thing. It may be from a completely different perspective. The White House is doing the same thing from, perhaps, a completely different perspective as well. I will touch on a few of those things because the process is not yet completed at this point.

Reauthorization of IDEA

IDEA was up for reauthorization September 30, 1995. This is when it expired. I started working on it in March and April, 1995 with the expectation that we would be done by the end of summer. The bill at this point has passed committee in the Senate. We've made that kind of progress, but it is still far from being passed. It hasn't gone through the Senate floor and the House has to surface their bill. It has to clear the committee in the House. Then the Senate and the House have to conference, come together with one bill, and then come to agreement with the White House on a bill that the President will sign. That will eventually be the reauthorization of IDEA. Many people have been following this and interpret this reauthorization as a very heavy struggle. I think a lot of people in Washington who are working on this, would agree that it has been a very brutal reauthorization. There are some reasons for this that I want to talk about because I think what has happened with IDEA is probably going to happen with all the other disability legislation as it comes up. If you are funded under the Rehabilitation Act, that bill is next in line to be reauthorized prior to September 30, 1997. All of these issues and points of view are probably going to present themselves again. The Developmental Disabilities Act and several other smaller pieces of legislation are facing the same types of issues.

The reauthorization this past year has been referred to by many as a comprehensive reauthorization. It is the first time since its authorization twenty years ago in 1975 that this bill has really been opened up and looked at. You might ask the question, "Given this climate and given the fact that this is a piece of legislation that works fairly well, why in the world would it be undergoing a comprehensive reauthorization? Why don't we just tack on five years and keep going?" Many people on Capitol Hill, I think, would have loved to have done a simple five-year extension of this bill. However, there are some factors in play that would not allow this to happen and are probably going to affect other pieces of legislation that come forth.

One of those factors is that within the Congress itself, there is a general interest in consolidating programs and minimizing the federal role. I mentioned this previously as one of the characteristics of this climate. That factor is very much there. It will continue to raise its head through the reauthorization of IDEA and most other pieces of legislation. You also hear about it in terms of discussions about Medicaid, Medicare, and welfare which are much larger programs than what we are discussing. So one of the reasons why this bill had to be opened up is that nobody would let it pass as it was.

Second, there was another major force that contributed to opening it up. For the first time in twenty years, the general education community and the general population have taken a strong interest in this

legislation. In the past, the American Federation of Teachers, the National School Boards Association and other groups that represent general education for the community at large had shown no interest at all in this bill. It was kind of like, "Well, these are kids with disabilities. These are people with disabilities. You have your programs. You do your thing. Leave us alone." One of the driving forces over the last five or ten years is obviously the inclusion movement coming out of special education and the general disability community. Inclusion has forced, or at least pushed, the hand of general education. The general education community has decided that they will take a very active interest in what this bill looks like. What they are saying in a very simple way is, "If you want to be in the classroom with us and you want our teachers teaching your kids, then how come you're going to have your own special law and your own rights and on and on and on, your own appropriation." That's the bottom line. It is not being said a lot, but it is behind the scenes in terms of all the discussions that have been going on with the general education community. Along with that is the whole issue of school violence and the perceived double standard by people in the general education community. There is a perception that children with disabilities are treated differently than other children when they are violent in educational settings.

These two factors have driven the general education community to be very active in this reauthorization and to have a very, very strong push to down-size this law or, in fact, to actually eliminate it. While this has not happened, there have been tremendous struggles with this group to attempt to maintain what this law does for children and individuals with disabilities.

While the rights that are protected for families and children with disabilities under the law are intact, some major shifts have occurred in the law. These are particularly evident in Part B, which is the service implementation part of the law. There has been a major shift from focusing on process to focusing on outcomes or results. In other words, for the last twenty years, the Department of Education and its funded programs have largely focused on the process of how something is done. An example is implementation of IEPs. When monitoring is done and questions are asked, they basically ask if there is an IEP with goals and objectives in the child's file. They also ask if the child shows up in the classroom. This is looking at the process of delivering a program. No one really looked to see 1) whether that IEP had anything to do with the services that were provided, and 2) whether those services had any effect on this individual's life in terms of an improved education, improved outcomes, or an improved quality of life after that person leaves school.

Now the focus is shifting. The law speaks broadly about focusing upon educational results during the school years as well as post-school results. There is discussion or a determination of what that individual should look like when children with disabilities leave the educational system, and accountability for what occurs. Now, in focusing on results, there has been flexibility provided in the process. The law has simplified things in a lot of ways in terms of the process related to IEPs and other documents. The new approach is that the school will figure out how to do an IEP or how to plan for a student with disabilities. The law will hold them responsible for the results. If one way is different than another way, that will be acceptable as long as the

individual attains what was expected. This is a major shift and it is not just a major shift for local and state education agencies. It will also be a major shift for people in higher education not only in how teachers are trained, but also in being accountable for training those people to participate in this new structure. There will be a carryover of those results in the discretionary programs.

Another major shift is a focus on general education frameworks, or what is referred to in the legislation as generic frameworks. The legislation has quite a bit of language that speaks to referencing what children learn. To have a child in a program that has no point of reference or is going nowhere that can be defined is not acceptable. One of the points of reference that are referred to many times in the legislation is the general education curriculum frameworks. Generic programs are those programs in secondary and postsecondary programs that everyone else participates in. This is a shift that moves away from targeting special populations. There are provisions for that to happen in this legislation, but it is not central to the basic language in the bills.

A third area involves assessment, evaluation, or identification of people or children with disabilities. There is a major shift toward collecting and using instructionally relevant information. The question that will be asked extensively under this legislation will be how did assessment information contribute to the child's educational program and the improved functioning or the results of this program for that child. The interlinking of assessment and instruction -- what teachers do with kids and what is done in the classroom -- is going to be viewed as a major shift for many people.

As I mentioned earlier, most of these shifts are evident in Part B of the legislation, which addresses how children are served. There has been a carryover, though, of the shifts into the discretionary programs. In the House bill, the discretionary programs have pretty much wiped out. The bill talks about money that goes into the discretionary programs being blocked, consolidated, and sent to the states. At that point, the state education agencies have the authority to decide which, if any, of these programs should be funded. While some programs are targeted separately from them, the bulk of the programs, particularly the training, research, and technical assistance types of programs that we are used to under IDEA, would no longer have the structure that they currently have at the federal level.

In the Senate, there were a number of intents that drove what we wanted, or hoped, to do with the discretionary programs. One of those intents was to restructure the programs within some type of a logical framework so that they would offer technical assistance and information dissemination to support the services that states provide to children and individuals with disabilities. This had to happen. The discretionary programs are basically a collection of programs around targeted areas, such as the postsecondary deaf programs, the severely emotionally disturbed program, and the early intervention programs. There were fourteen of these programs that had been authorized over the last 20 years at different times. They had little or no relationship to each other in the way they were written up. What was apparent to me within three months of coming to Washington was that these programs would no longer be funded in their current structure. Some of

the targeted programs that had political advocacy would survive. Other programs, such as personal preparation, would never survive under the existing structure. We sought to restructure them as support programs, so they are tied very closely back to providing services in Part B. The primary intent behind this restructuring was to develop a defensible mechanism, a way to defend funding of these programs. Our intent from the start was to cut no programs out of the discretionary group. In other words, it was to take those programs, restructure them, catch all the programs at current funding levels, and restructure them in a way that would be defendable to the appropriations committee. The third intent was to maintain a federal role with these programs to develop a rationale as to why these programs needed to be maintained at the federal level and not be consolidated, blocked and sent to the states. We have pretty much done all three of those intents.

Discretionary Programs

The current fourteen discretionary programs in IDEA have been restructured into three parts. There are seven programs with seven funding authorizations in Parts C, D, and D of the law. Part A includes the definitions and the intent of the law. Part B is the service delivery part of the law that refers to IEPs, parents' rights, etc. Everything else in the law has various discretionary burdens.

Part C is a linkage between Part B and the rest of the discretionary programs. It has been referred to as the systems change authorization. The intent of Part C will be to competitively provide comprehensive systems change money to states so they can pull together a group of people and improve the system of special education services that are in their state. There are a number of things that will be mandated under Part C that I think are very beneficial to people in higher education. One of the requirements is that states will have to pull together a partnership of stakeholders and a partnership of supporters within the state. The stakeholders are families and consumers while the supporters are people in universities and other environments in the state who can provide improved services within that state. As states apply for the system change grants, there is a requirement to pull together a broad partnership within the state and seek to address comprehensive problems or issues within the state. Some of those issues have been identified in the past in other systems change authorizations, such as in the area of school-to-work transition. Those projects have typically identified these areas as comprehensive problems or barriers that they could not address, such as funding formulas within a state. Many states are talking about different ways to fund special education including funding it in the same way that general education is funded. Various placement and identification strategies are comprehensive or core problems. They also include things like looking at personnel training needs within the state as well as possible new roles for personnel. This is one reason that institutions of higher education are viable partners within this partnership. From this partnership will also be information regarding research, demonstration, and new practice needs. This is very much the role of higher education. Part C is seen as a linking part for areas such as personnel preparation, research innovation, technical assistance and dissemination activities, to the activities and needs in Part B.

Part D combines research innovation and personnel preparation, two authorizations that were entirely separate in the past. The intent of combining these two is that when personnel preparation activities occur, the newest research should be reflected in that training. People being trained should also be participants who should be involved in state-of-the-art research. Although they will have separate budget authorizations, they are closely linked together. Research and innovation have been restructured in a way that incorporates the concept of research to practice. There will be three major sets of research activities. The first one is what is referred to as new knowledge production that will fund projects to generate new information and new knowledge in areas of need. The second activity is referred to as the integration of research and practice. As a new idea is produced and validated through research, a whole series of follow-through projects will look at integrating that research with practice. The third category is called the improvement in the use of professional knowledge. Projects are specifically funded to ensure that new ideas are used by teachers. This is almost a ten-year sequence of activity. A newly funded five-year project could easily be followed by two or three years of integrating this into the field as well as an additional two or three years to follow through and collect data to ensure that this new knowledge is being used.

The second part of Part D is personnel preparation. Personnel preparation has been restructured into four categories. These include high incidence disabilities for those training personnel in areas of mild handicapping conditions, leadership personnel or leadership preparation, and low incidence disabilities that addresses multiple and severe disabling conditions. The fourth area of personnel preparation is what is referred to as projects of national significance. This will be a category that considers innovative ways to conduct personnel preparation including restructuring colleges of education or looking at innovative ways outside of universities to conduct training. The intent of that authorization is to take a close look at personnel preparation in relation to the needs of the field in terms of working with children with disabilities.

Part E contains the rest of the discretionary programs. For many of you that are working in the area of deafness, this is where your programs are. I worked personally very closely with Bill Woodrick and the other postsecondary centers to ensure that there was language in Part E under technical assistance and training that addressed the needs of this population and the needs of the four centers. The difference in this authorization is that much of the language in Parts C, D, and E is functional, rather than categorical. In terms of speaking to specific populations, this was only done in certain instances and specific language was included to address those programs. Part E includes these kinds of things. All of the current technical assistance programs, including the parent training and information programs, the regional resource centers, and the deaf-blind centers, are in Part E. While there may be some changes in wording, it is specifically targeted to those current programs.

Part E also includes the technology and media section. There is an assortment of programs, including captioning and the National Theater for the Deaf, that have been authorized over the last twenty years that are sort of "tagged-on" programs. While we made a real effort not to lose any of those programs, I would like to

add a few words of caution. We will see this come up, I think, in a floor fight on this bill. IDEA focuses primarily on children with disabilities who are defined as 0-3 and 3-21 year old. Many of the programs that are in Part E, however, benefit adults with disabilities.

An example of this is the highly successful captioning program that has been funded for many years. As we were going to committee with this program, an amendment was proposed by Senator Gregg from New Hampshire to remove captioning from this law. His point of view was two-fold. First, captioning benefits primarily people who are not in school or of school age. It benefits adults with disabilities. Second, the programs that are typically captioned are typically not educational programs. Behind the scenes on this, too, was sort of a moralistic front that many of these programs being captioned and paid for were ones that he felt should not be captioned. There was a USA Today story about *Baywatch* being captioned. Senator Gregg, and particularly some of his staff, felt that government money should not be used in captioning a show like *Baywatch*. What is driving some of these discussions are values. He actually wanted to put a rider in the bill that would require the Department of Education to evaluate every show that was captioned for its educational value. The Department of Education indicated that this was an impossible task to do.

If this bill is reauthorized for the next five years, you will need to discuss how these programs fit or don't fit and how you might have to defend them either under this law or another law. That issue was brought out and discussed with Bill Woodrick and some of the people that I've talked to this year. We decided to keep this program in the bill. The subcommittee, the staff, and I fought hard to ensure that there was no tampering with those pieces of legislation.

As I mentioned when I started, none of these pieces of legislation have passed yet. I've been working on the Senate bill for about a year and last month it cleared the committee. This is where some of these amendments were introduced. The amendments were killed, and the bill remained pretty much intact. The bill will go to the Senate floor sometime this month. There have been two or three senators, including Senator Gordon from Washington State, Senator Gregg from New Hampshire, and Senator Ashcroft from Missouri, who have threatened to bring up amendments on the floor or filibuster this bill. It is hard to say whether those will materialize. On the House side, a bill still has to be introduced. The House has been discussing this bill for the last year and there is a possibility it will be introduced this week or next. The House is much more volatile than the Senate is, meaning there is a lot more disagreement. It may be much more difficult for them to get their bill passed so that it can be conferenced with the Senate.

There is something else that may happen which is probably the best scenario of what could happen. As you know, Senator Dole is running for President, and in doing so, he is attempting to make a good show, obviously, before he goes on the election trail. One of the ways that that could happen would be to have some bills pass, since very few have passed in this Congress. One of the possibilities is that Senator Dole will talk to Newt Gingrich as well as other senators and say, "Hey, these are *X* bills that I want to have pass before we recess for the year." Hopefully, the bills that deal with people with disabilities, such as IDEA, the Work Force

Development Act, some pieces of the Rehabilitation Act, and other bills related to Medicaid and Medicare, will be part of that package. Those bills will be swept through the Senate. There will be leverage or pressure placed on the House for those bills to be passed prior to adjournment. Everything will get through pretty much in the form that it currently is in. Probably one of the biggest contributors to legislation passing is running out of time and that seems to be what is happening with this Congress. Congress will adjourn soon and people will return home to run for re-election. That pressure in itself could be what brings some of these bills to fruition. My general sense is, given what was there when I started out last year, that all of these programs and the legislation that deals with them are in pretty good shape. The appropriations are in very good shape. All programs are pretty much funded at current levels. As I mentioned, I think President Clinton is scheduled to sign that bill. There were some programs that took a cut, but most programs, given where we were last October, have survived. Given the timing, people are coming out probably much better than what they initially thought.

To end, I would like to go back to where I started and challenge you to become informed on these issues and participate in policy development. My experience has been that there are light years and millions of miles of difference between what happens out in the community and what happens at the policy level. People that are typically working at the policy level have no idea what you are doing out here and they have no idea what works. They have no idea how to find out about it and it is the last thing that enters their mind when they're working for legislation. Therefore, it is critical that you become involved in these types of activities. It definitely cannot be left to staff members who have very little information on this and are driven by all kinds of other agendas.

I would like to wish you a good conference. The program looks terrific with a lot of good things on the agenda. Hopefully, some of the policy level information that we started out with tonight will help you think about many of the other program issues over the next couple of days. I would like to thank Bill for inviting me and hope you have a good conference.

Thank you.

The Challenge of Change:
Bringing the Federal Perspective to the Local Level

Bobbie Beth Scoggins
Kentucky Commission on the Deaf and Hard of Hearing
Frankfort, Kentucky

Susan Queller
University of Arkansas at Little Rock
Little Rock, Arkansas

Edwin L. Barnes
New River Community College
Dublin, Virginia

Robert Morris
Tennessee Department of Labor
Nashville, Tennessee

Ramon Rodriguez
U.S. Department of Education
Washington, D.C.

Olga Welch, Moderator
The University of Tennessee
Knoxville, Tennessee

Olga Welch

Thank you. I have the very distinct pleasure of moderating the presentation for this very distinguished panel of educational leaders. We will move from the consumer perspective to the programmatic, to the institutional, to the state and finally to the federal level. In order of their presentations, we have Dr. Bobbie Beth Scoggins who is the Executive Director of the Kentucky Commission of the Deaf and Hard of Hearing. The next presenter will be Ms. Susan Queller, Director of Disability Support Services at University of Arkansas in Little Rock. Then Dr. Edwin Barnes, President of New River Community College in Dublin, Virginia will present, followed by Mr. Bob Morris, Assistant Commissioner, Tennessee Department of Labor. Mr. Ramon Rodriguez, a liaison leader for OSERS, U.S. Department of Education will be the final panelist.

During this conference, you are invited to examine the issues and challenges facing postsecondary education in the 21st century. It is some of these issues and challenges which this panel will address. Each brief presentation will address these questions.

1. Identify or describe three significant changes that you had to deal with recently or that you are going to have to deal with in the near future.
2. What is the impact of these changes within your organization?

3. How much control you have over these, particularly within your organization?

Since this conference is organized to encourage dialogue, you are encouraged to enter the discussion with your questions and observations at the conclusion of the presentation.

Bobbie Beth Scoggins

I'll be speaking from the consumers' perspective on these questions. First, three significant changes that you had to deal with recently or that you are going to have to deal with in the near future.

Change. Change in the deaf environment from a consumer's perspective. The immediate reactive question that surfaces is: Is it deaf friendly or is it deaf resistant?

In 1987, Mervyn Garretson said "political activists and advocacy among deaf people in the 1980s was a product of a slow evolution. The communication obstacle was the single most important barrier that prohibits deaf people from effective political participation." How cogent that comment was. Perhaps, without realizing it, Dr. Garretson had stated an inherent truth: that deaf people and individuals and leaders had finally come to accept their deafness, to understand and be understood. The future of the deaf community in America was and is in the political arena. For the masses, government may be an impediment. It has, however, become the catalyst for change for the deaf community for our past, present and future.

From the consumer's perspective, change is first accepted as deaf friendly or deaf resistant. How deaf friendly is this system? Has it been deaf friendly in the past? How deaf friendly is it now? How deaf friendly will it be in the future? Federal funds have been a very positive influence in progress for the deaf community in the past. The federal government has put a lot of money into different organizations throughout the country resulting in accessibility and opportunity for the deaf community that has not before been available.

Obviously, a deaf friendly environment will receive the support of deaf and hard of hearing individuals. They will participate. If not, they will go to where it is deaf friendly. Is that so different from programs for the hearing?

Accessibility. Accessibility relates to the past and present. How flexible is it? This is a critical key. How flexible is that system in meeting the needs of the deaf and hard of hearing? Is there a proactive approach to the benefits of changes in technology which benefit the individual? Is it flexible to such quick changes, or do they just cling to the status quo?

Service Providers. There are three different categories. First, some service providers still cling to the old system. When I say "old system," I'm talking about what I call the "age of the machine". That is a system which is based on methods and approaches. Change is difficult. Change, however, in every aspect of services is rampant throughout all programs. At least, it should be. It is going to be extremely difficult for service providers to continue the old system in the face of such changes.

Changes. Technology. Curriculum. Programs. We have to be flexible and proactive. The future will be saturated with strategy sessions taking long looks at the short future. There are three different

categories to be examined and some do overlap. Some service providers use all three of these categories. It depends on what type of resources are available. Some are very limited. Some services are stuck in the old system. You can't change. And it may be too late for you. Believe me, the deaf individuals entering that kind of program will assess it immediately. Poor programming will be noticed immediately.

At the same time, we must recognize that service providers are restricted by federal, state, and local laws which inhibit change and flexibility. It is hard to be up-to-date, be up-to-speed. A good example is the employee merit system. We know the truth and fiction in this current system. If you work with the state, the merit system does not promote innovation and creativeness. Limits imposed upon us limit us in hiring practices and often we end up with unqualified, unimaginative employees.

Funding. Do we have adequate federal funding? I don't know. Some programs benefit from having qualified grant writers. They are very successful. Other programs are not so successful, resulting in inadequate funding. There is inequity in funding in many places, in many programs. Misunderstanding of the deaf culture results in programs that are deaf resistant and unsuccessful programs don't get funded. Of course, some people do not know how to provide services to deaf and hard of hearing people.

Studies can identify some very serious problems and make recommendations for improvement, but, there is a phase to these studies and reports that some miss. It is called the "implementation phase". Some recommendations die because some interested parties do not take ownership in the recommendations. I'm sure you are familiar with "turf issues". Turf issues are here to stay and they play a major role in the decision making process. Deaf individuals want to participate but they continue to struggle within a "hearing" culture that they do not understand and are not understood. They feel the struggle as a group and as individuals. We are not savvy enough to understand this system and how to change this system.

So the deaf consumer's view of these three (the system, the structure, and deaf friendliness) is actually very different than those who provide the service. It is as different as night and day. Some deaf and hard of hearing persons say, "Well, that's okay," and they're very passive about it. Some have a more militant attitude about it. They say, "Yes, we now have the ADA to support us and we have to have change." Some deaf and hard of hearing people are just totally burned out. They have been in the business of advocacy for many years with minuscule success and they've just given up. They've had enough. Some feel oppressed. And there's a lot of apathy. And some say, "Why bother. Hearing people do not listen to us. They run it. And they do it their way." A lack of involvement with deaf people in the decision making process for decades has produced this reaction. If any environment out there is very open and invites deaf people to participate, they must be "deaf friendly". Deaf people are very sensitive to a "deaf resistant" program and will have nothing to do with it. That is their view and they are entitled to it.

There are three essential changes from the past. The "Deaf President Now" revolt at Gallaudet University, Washington, D.C. resulted in the appointment of a deaf person as the President of the only liberal arts university for the deaf in America. Of course, that truly demonstrated an increased sense of ownership

among the deaf. It had been repressed for decades. Since then there have been many more deaf and hard of hearing administrators named to positions of responsibility all over the United States.

The Americans with Disabilities Act of 1990. Yes! The ADA has increased the level of awareness, particularly to the obligations of service providers in institutions everywhere. Still, deaf children are graduating from high school with 3rd and 4th grade achievement levels. This has been the norm for the last 30 years. Clearly, this is status quo programming. It is like nothing has happened.

But now, currently, what's happening and what's taking place? Deaf people are becoming involved in the political process. They are becoming participants in government. Political activism, legal activism, and lawsuits are commonplace. More are coming. The deaf community is becoming more and more aware of their rights under the law and they are calling on services providers to follow that law. The local battle lines are being drawn. The deaf and hard of hearing are beginning to collaborate, talk, negotiate, and struggle with the system, seeking system change. This is happening now. The future will unfold only as it is forced to do so. Institutions, state agencies, and federal agencies, are all now becoming more and more sensitive, and they are becoming more responsive in supporting goals and issues of the deaf and hard of hearing. We will see more and more of this.

Because of the lack of educational achievement in the primary and secondary grades, high school graduates often become clients of Vocational Rehabilitation which is now utilized as a cure for this educational vacuum. Community colleges have absorbed some of our deaf students who are still struggling in remedial classes, their goal of becoming productive citizens thwarted. And still there is no progress in educational achievement. The future? Deaf and hard of hearing people may, someday, aspire to become senators, representatives, possibly presidents. When is "someday"? Way out there into the future.

And technology. Technology is a coming force in the lives of deaf and hard of hearing individuals. Technology will mature. The demand by the American culture for a practical use of English will require command of a second language for the deaf and hard of hearing. A competent command of English is required in the use of computers. Some day, soon perhaps, will come true voice recognition in computers. We will become more than deaf, we will become blind because we cannot speak to the computer. Then the deaf community will truly be isolated from the benefits of computers. Educational achievement, voice recognition, English as a second language is a true challenge for service providers in meeting the needs of the deaf and hard of hearing student

The Internet, e-mail. Service providers must focus on serving the deaf, not just getting them into the program. We must bring the deaf in as members of the team and be able to change quickly.

The future will see the eradication of those illnesses which result in loss of hearing. Look at the current trend. Medical research is showing surprising success in preventing diseases which cause deafness. There is no more Rubella. Fewer and fewer numbers of deaf people enter the educational system. Residential schools for the deaf may start closing thereby increasing the load on other institutions.

Additionally, there is a mind-set among educators that inclusion is the best educational environment for the deaf. Not so. The least restrictive environment for deaf children is wherever communication can occur. Interpreters are not the answer in a public school setting. Inclusion and technology seem to replace common sense.

A good look at residential schools is in order. They are invariably based on the old system. The residential schools have not kept up with contemporary trends. Empowerment of deaf individuals has begun. America offers the highest quality of life in the world. Deaf individuals must be provided the opportunity of accessibility in our programs and services.

Participation in the decision making process is a must. Deaf and hard of hearing persons must receive educational services accessible to everyone. The deaf must have the opportunity of filling positions within higher authority. We need to see more and more deaf and hard of hearing people in the decision making positions. Local participation in government and political affairs must happen. Deaf people must be involved. Deaf people need to be advocates.

The impact of these changes? How much control do I exercise over these changes? Immense and precious little. I fear the same is true for you.

I wish you well.

Susan Queller

I am going to talk about three changes we are going through from the perspective of a student services provider in a postsecondary setting. First, I will talk about changes in direct services, then in the awareness level of our students, and finally in finances.

Direct services

The students entering postsecondary institutions now are somewhat different than they were ten or fifteen years ago. Many who years ago would have been told that college wasn't a feasible alternative are now entering higher education in increasing numbers. In some cases we may be seeing the very same students that were not entering colleges and universities a decade or more ago. At the University of Arkansas at Little Rock we have a higher than average number of older students, and our students who are Deaf or Hard of Hearing have an even higher average age than the general student body--an average age of 35 for students who are Deaf or Hard of Hearing. Younger students exiting high schools are more likely to be encouraged to attend college by families, friends, and the vocational rehabilitation system, which often also provides financial support.

Another part of this change is that students are presented with more choices today. They are not all going to a few specialized federally funded programs. As a result, most of us are seeing more students who have a wider range of academic and language experiences. More students are reporting other disabilities in

addition to hearing loss. Over half of our Deaf or Hard of Hearing students also have documented visual, learning, mobility, medical or psychiatric disabilities.

Whether this is typical or not, I don't know, but we have served a number of students with dual sensory impairment in the last few years. At one point a couple of years ago we had as many as eight attending at the same time who had varying degrees of both hearing and vision loss, and we currently have a student who is deaf-blind in the sense that he has no usable vision or hearing.

In the past it was probably assumed that an interpreter and note-taker were all that students needed in order to be successful in college. For many of the Deaf students who attended college in the past, maybe that was true. Now we have a much wider variety of needs expressed, and we need to look at service delivery in a new light.

Awareness level of students

Students are much more aware of their rights today. Yes, Section 504 has been around a pretty long time now. But the ADA, while it did not have as huge an effect on most colleges and universities as it did on entities not covered by 504, did increase awareness of rights on our campuses. Many of us are trying to build this awareness so students understand how to exercise their rights in future employment settings. I think it is important to continue to educate students about the details involving their legal rights. They need to know what is reasonable under the law, what isn't, the differences between the employment and education settings, and understand the rationale behind these laws.

A little bit of knowledge can be dangerous here. Our students need to move from awareness to knowledge and understanding of the law. Maybe "dangerous" is too strong a word here, but I have seen a little bit of knowledge of rights be detrimental to the student. I can think of several examples, but will illustrate with just one.

A student who transferred to UALR from a postsecondary program in another state that had a well developed program for serving Deaf students was somewhat perplexed by the differences in service delivery models. In the program she came from she not only had interpreters in every class, she also had tutors in every class. In fact, she said the interpreter and the tutor were always the same person for a given class. UALR has interpreting and tutoring services, but they operate out of different departments. While interpreters may also be tutors if they are qualified in the subject, we do not require them to tutor. When she came to UALR she presented the service model she came from as what the law required all universities to do. She did adjust quickly to the new system, and eventually even discovered that she did not really need tutors for most of her classes, and recently graduated. But my point is that the way she presented her case actually weakened her argument because she didn't have the facts of the law. In order for students to become the best self-advocates that they can be, I believe we need to help them get a good basic understanding of disability law.

Financial changes

As the need for more specialized services is increasing, and as our students come to expect these services and they become better self-advocates, we are facing these potential radical changes in our funding sources. Rehabilitation Services funding for interpreters is no longer available in some states. In Arkansas, Rehabilitation Services has been wonderful to work with, and we still get financial support for interpreters for students who are their clients. But we know that we may not be able to count on that funding forever.

I would like to offer some suggestions on dealing with budget changes:

- Work to maintain your level of funding -- whether through the same or different sources. Go for state funding.
- Work within your institutions as an advocates and educators about the issues. Educate your administrators, other student service programs, the development office, and the communications office about the challenges students who are Deaf or Hard of Hearing face.
- Work within your institutions and communities to foster collaboration. Utilize all the resources you have. In Arkansas, we are very rich in creative people with knowledge and experience in Deafness. We will continue to use their brain power in an advisory capacity and any other appropriate capacities to help solve any problems that we have. At my institution we are rich in people who want to help within their own programs or in cooperation with us. We recently had a PEC peer evaluation, and the nicest thing that was said at the end of the three days was that people at UALR seemed to be accommodating not because they were required to by law but because they considered it right. We all need to foster that spirit of accommodation that I think is there in most postsecondary service providers and faculty. Sometimes individuals you work with may not know that it is there within themselves, but I see it as part of my job to see that spirit of accommodation wherever it might possibly be, and to help bring it out in those particular individuals.
- Work within your own departments. Brainstorm with your staff, engage in long-term planning, assess the best use of staff time (e.g., what full time interpreters might do when not interpreting).
- Last but not least, work with your students and others from your Deaf or Hard of Hearing communities. As Dr. Stodden said last night, consumers are our key players.

I want to end on a positive note. We and our students are going to get through this. We will survive change. We will try to shape the future in any way we can, and we may not be able to do everything we would like and consider important to do, but I know we are not ready to throw in the towel yet.

Ed Barnes

It's a real pleasure for me to be here this morning. Our institution has been working with this consortium for many years. The topic I'll discuss this morning is a very complex topic. New River Community College is a two-year public institution that has been state-funded since 1990. From 1990-93, we experienced budget reductions of 24% that will certainly bring change. We are greatly influenced by the actions of the

Virginia state government. Virginia, as some of you might know or not know, is a relatively conservative state. So we manage our money well, what we have. We are an institution that's honestly driven by a set of beliefs. Our mission is extremely important to us. One of those beliefs -- perhaps maybe even the most important belief -- is that access is absolutely a top priority in our institution. New River Community College has been widely recognized throughout the nation in the past five years. It's been ranked as one of the top five community colleges in Virginia in service to students with disabilities. Now, I will tell you that we have not earned that reputation simply because ADA or 504 legislation says that we have to do it. It's been done because we believe in access and we believe that access should apply across the board.

I want to share with you some issues related to change. There's change and then there's restructuring. I will talk with you about three changes that took place at our institution, as well about restructuring that covers a whole number of changes.

We have been told that change is inevitable. I can tell you if it's state-funded, it's inevitable. It will be changing all the time. I want you to think about this: the coffee break just ended. Somewhere right now, there are hundreds of folks putting down their coffee cups and writing new regulations. They're doing it right now. All of these regulations are going to cause you to have to do something that you weren't doing yesterday. Now, let me really ruin your day. These people work full-time. That's all they do. And then let me ruin it still further. Somewhere there is a politician that is trying to find an issue on which to get elected and who is going to get elected. That politician is going to go straight to those folks that write this stuff, and you'll have more changes.

Let me talk with you about restructuring and the changes that it brings about. Fear of restructuring is huge. You should just assume this. You mention restructuring, and people are going to become concerned about job security. They read in the papers about layoffs and people being demoted. These are pretty common things in restructuring. There are some, no matter how honest you are, who believe that you are doing the restructuring simply to get rid of them. If you have an insecure person in your organization, they believe that you are going through all of this trouble to fire 20 people. Then there are those who fear that their new responsibilities are going to be too heavy, their work will be doubled, or they will not have the skills to perform the job.

In this type of change, the level of trust is absolutely critical. Even then, no matter how good it is or how much you trust each other, the best intentions are likely to be misperceived. It is extremely important to proceed in ways to maintain that trust. When we have to go through major change, we have at least two alternatives. We can go through mandated changes to meet the level of law. You do what you have to do. If you've been in this game for a long time, you know how to do what you need to do, don't you? We all know that. Or we can use the opportunity to really improve the organization. We can use it to pursue a better alignment of resources, enrollment, and personnel. If we take the time to identify the needs of our college at that particular time, we can get the right people in the right places to address those needs.

Our strategy was to comprehensively re-think the entire organization. We had several planning precepts, and we used these precepts to guide us through this change. We tested every single action against these precepts to address the fears and the insecurities that we knew would be there. One of the things we wanted to do was to reassure our people that we were going to use our existing personnel to go through the restructuring. That is exactly what we did. We did not want anyone to feel that they would lose a job or be demoted, but we had a number of different things we were going to address. We also decided that we were going to cut administrative costs, not the cost of services directly to students, and we did that, too. Since this time, the attrition and retirements have reduced our work force by eleven people and $400,000 in salary and benefits.

But we did something that was rather profound, and this is one of the major changes. We did away with our Continuing Education office. We changed it and integrated it into the Academic Divisions so that a Division Chair would have both credit and non-credit instruction under their supervision. With this model, if we are contacted by industry for a training program, the Continuing Education Director will not have to work it out with the Division Chair. The Continuing Education director had no faculty; and one of the greatest concerns was getting instructors to teach for them. So there are a lot of other reasons. Primarily, we wanted to accomplish three things. We wanted to cut administrative costs, integrate continuing education to improve responsiveness to the community, and involve the professional experiences of our managers.

I want to tell you about the impact of our actions. First, when you cut out $400,000 in personnel, it means that you have fewer full-time people and more part-time people. You have people do transitional things. Another impact is that we had an advisory committee. There's very little difference between a good advisory one, and a meddling one. We had one committee that didn't want us to integrate Continuing Education, and they have since been disgruntled. But other than that, we've done pretty well.

As far as control is concerned, we have no control over the state saying that we have to restructure. But once you define your ballgame, which we did, we have all the control in the world regarding the process itself. The restructuring plans required approval of the Chancellor and the State Council of Higher Education in Virginia; so from that standpoint, we gave up some control there. As a result of the changes, our executive management has been reduced by 20%. We increased our first level management by 25%. We developed a Division of Distance Education and Learning Resources, and we have solved a lot of problems there. We have actually increased the number of our Continuing Education offerings, and the physical campus of New River Community College has experienced more improvement in the last eighteen months than any other time in the history of the college.

So what could be done? I would say that the college needs to continue to refine things. We need to try to make that advisory commission happier than it is. We need to keep on trucking, but respecting our people and making sure that their experience at New River Community College is a positive one and that restructuring is a positive experience. And we think that by and large it has been.

Thank you very much.

Bob Morris

I am delighted to be here today. I think the theme of the conference is a challenging one. When you talk about change, we can look at the state as a model and have fifty models around the country. I think change is a key operative word in describing what is happening at the state level today. My responsibility in Tennessee is the discipline of employment and training, so I will approach the discussion here today from that perspective. I will, however, deviate from the questions addressed by the others.

Like it or not, we are living in a new global economy. There is a vast change in the environment. A lot of folks are very unhappy with change and they're getting unhappier as we go along. I would like to share with you some numbers and some ideas concerning the changing work place and current trends that are affecting our lives. I put this material together a while back for an economic development conference and the information is fascinating to me.

In 1991 for the first time, U.S. companies spent more money on computing and communications equipment than they spent on industrial, mining, farm and construction equipment combined. This new pattern gives evidence to the fact that we have entered a new era. Quite simply, the industrial age has given way to the information age. As recently as 1960s, almost half of all workers in industrialized countries were involved in making or helping to make things. By the year 2000, however, no country will have more than one sixth to one eighth of its work force in the traditional role of moving and making goods. Already an estimated two thirds of U.S. employees work in the service sector, and knowledge is becoming our most important product. This caused a need for different organizations as well as different kinds of workers. During the early 1900s, 85% of American workers worked in agriculture. Now agriculture involves less than 3% of the work force. In 1950, 73% of U.S. employees worked in production or manufacturing. Now production and manufacturing jobs are less than 15% of American employees. The U.S. Department of Labor estimates that by the year 2000, at least 44% of all workers will be in data services. That is gathering, processing, retrieving or analyzing information.

Careers come and go. This is nothing new. What is new is the speed of these changes and the need to adapt quickly and communicate effectively. Today, people change jobs more frequently than in the past. In 1991, nearly one out of three American workers had been with their employer for less than a year and almost two out of three for less than five years. The United States contingent work force consisting of roughly 45 million temporary workers self-employed people, part-timers or consultants has grown 57% since 1980. Going, if not gone, are the five-day work weeks, lifetime jobs, and corporate and cultural security blankets. For a large and growing sector of the work force, the work place is being replaced by cybernetic work space. Career changes will become the norm. We live in a world where in order to compete in the global market, we must generate a labor force that is committed to dealing with change.

Since 1983, the U.S. has worked with 25 million consumers. The number the cellular telephone users jumped. Nearly 19 million people carry pagers, and almost 12 billion messages were left in voice mailboxes in 1993 alone. Communication technology is radically changing the speed and direction of information flow in our world. I shared this information with you since I thought it might set the stage for change.

There are some trends taking place at the state level that I will share with you. They are not in any order of importance. States are now looking at the possibility of block grants. There is legislation that has passed in both the House and the Senate that sets up block grants to the various states and territories. One of the good points is that in the legislation that is under debate in Washington, Vocational Rehabilitation is kept as a separate funding track for both the House and the Senate.

One of the hot topics facing the state in the forming of training, is that of a one-stop shop. Everyone is trying to figure out how to develop a seamless delivery system. It can be electronic or on location, but it varies by community. It will be very interesting to see how one-stop shops develop and how community colleges can fit into it.

One of the hot topics right now facing us is the school-to-work issue. This began several years ago as a state initiative, but is now being pushed actively at the national level. It is an integration of career and occupational education that spans from kindergarten through high school. It ties the education community to the private sector. It is a very interesting marriage there. In the last year or so, I find that although educators, trainers, and private sector folks all speak English, somehow it doesn't quite mesh. We have to teach each other how to speak together. In the past, I think that vocational education has been relegated to second-class citizenship. One interesting note that I ran across not long ago is that, by the year 2005, 80% of jobs will require less than a bachelor's degree, but more than a high school diploma.

Another trend coming at us very quickly is in the area of technical improvements and better electronics. Although it may initially sound superficial, it will give us access to better labor market information so trends can be validated by what we need to do in the private sector or by the employing community. There will be better tracking and there will be better qualitative feedback if all of those things occur.

There is an increasing emphasis on customer satisfaction. Initially this effort has been focused on the participant or the client. We are moving to, at least in most of the states, an equal awareness of employer satisfaction as well. There will be localization of services. Someone finally realized that labor markets are, in fact, local in nature and we need to have local folks involved. There is a lot of emphasis currently on capacity-builders. The feds are giving us money to build our capacity at the state level, and I think you will see that the state ought to be improving its ability to plan and deliver programs and services. There will be heavy private sector involvement as we move more into work force development.

There will be several limitations. One is that there will be an increased emphasis on coordination of services. There will be less protection and we will have to do more with less.

As we mentioned earlier, there will be more services available to the disabled. In addition to Vocational Rehabilitation, you will have the other seamless delivery system so that even with decreased funding of services available for the disabled, I think there will be higher group accountability. I think every sector in our society demands accountability: folks receiving the services, the business community, the taxpayers, the legislators and our governors. You will see more of that.

You will have a technology-driven labor market. While high school diplomas are required for many jobs, many companies are now asking for computer literacy. An article in one of the Memphis newspapers cited 600 openings for computer repair people. One company is moving to another location because they can't find people to fill the jobs. With continued economic expansion, I think employers will be looking more and more at abilities and not disabilities. Life-long learning with increased emphasis on literacy, mathematical skills and computer literacy will become the norm. I think that the final thing is the changes will continue to accelerate and move faster.

Thank you.

Ramon Rodriguez

I am in the Office of Special Institutions, Office of the Assistant Secretary, the Office of Special Education and Rehabilitation Services. Last night, Dr. Stodden talked about some major changes taking place in Washington, D.C. As I talk about this, I will also touch on how much control we have, and how much control you have. We often discuss the discrepancy of being here in the local area and being in Washington, D.C. But there are a lot of things that you can do, and I will refer to them as we move on.

You probably have heard a lot about Vice President Gore's concept of reinventing government that involves reorganizing and restructuring. While I have only been in OSERS for five years, most of the people that I work with have been there many more years. Many things that were new to me were very, very old to them. When the notion of restructuring or reinvention came out, my coworkers said, "Nothing's going to happen. We have seen this come through at every administration. " That is not true this time. Changes have already taken place.

I would like to outline for you the structure of the office that provides services to you, to special education. This is OSERS, the Office of Special Education and Rehabilitation Services. I have worked there for about two years; before that, I was in the Office of Special Education Programs. There are two other components: RSA, the Rehabilitation Services Agency, and NIDRR, the National Institute on Disability Rehabilitative Research. While I had friends in the other two divisions, the divisions had no relationships. We got together for lunch occasionally, and I began to ask questions about programs and services. I noticed that RSA has an interpreter training program. My friends in RSA said, "Yeah. This is one of our long-standing programs, one of our most effective programs." Well, the Office of Special Education Programs also has an

educational interpreter training program that have funded around thirty programs; ongoing, there are eighteen. RSA has twelve programs, but the two divisions do not talk to each other about interpreter training.

This is the reason for reinvention: to remove the barriers between components. For the first time ever, senior staff members asked individual specialists in deafness about programs serving deaf and hard of hearing people. Together, Dick Johnson and Vic Galloway from RSA, Ernie Hairston from OSEP, and I all met with them and were asked how to best manage all of these programs across components. We were very surprised. For the first time ever, we met in a room where we actually discussed programs that are serving deaf and hard of hearing people. The outcome of this is probably the notice of proposed priorities for technical assistance in postsecondary programs that you have been hearing about. As Robert Stodden mentioned yesterday, the focus is on technical assistance with an emphasis on outcomes. This is exactly what this internal review and restructuring would like to accomplish. As we review our programs, we find that there are many funded programs that do not appear to be related and we wonder how this happens. It may be due to political reasons or pressures with little or no relation to the needs of the consumer. For the first time now, we are reviewing these programs to see what they do and what the results or outcomes of these programs are. Then we will go to the consumers, show them what we have and ask them what we need.

For the first time, in a very systematic, structured way, this will come about. The walls between these three components are coming down. Instead of having both programs, there will be functions. All programs related to deafness will in some way be organized by a group or teams. There will be team leaders for specific functions within that group, and for other functions, there will be other individuals leading this team. I think for the first time, even in the face of downsizing, we will find ways to provide for them and continue to serve.

Thank you very much.

Olga Welch

I want to ask that you join me in acknowledging this wonderful panel. Thank you very much. To the panelists, I want to say how very much I appreciate your staying within your time limits. Having been a panelist, I know how very difficult that can be when you have so much information to share, and I invite all of you to engage in many conversations with these individuals, because, as you can see by their biographies in your program materials, they have a great deal of very important information to share with you.

Understanding Each Other

Steve Larew
ADARA
Sycamore, Illinois

I am happy to be here in Knoxville again. I have been fortunate to speak to the Orientation to Deafness program here several times. I want to tell Marcia that we are going to change the wording of her introduction in the future. Instead of saying we met in graduate school, we will say we went to school together. No years or dates. We just went to school together and have known each other for a long time.

I am a strong believer in communication access and that is part of what I plan to talk about tonight. I plan to sign for myself and I am wearing microphones for the assistive listening systems. I am also going to ask that the interpreters stay and interpret. I use Signed English and I know that some Deaf people prefer American Sign Language (ASL). I also tend to move around while the interpreter stays in the same place and is easier to follow. So with the captions on the large screen, assistive listening systems, interpreters, and my own voice and signs, I think we will be fine.

Let me start by sharing some of my life story. Why am I here? How did I become President of ADARA? How did I become a past president of the Association of Late-Deafened Adults (ALDA)? A friend of mine has a word to describe people who serve as the president of two national organizations at almost the same time. It is "FOOL". Maybe I am or may I am not. I will let you decide that at the end of the evening.

I am a person who became deaf when I was 18 years old. I grew up on an Iowa farm near a small town whose high school had 200 students. While growing up as a hearing person, I did not have any contact with people with disabilities. None! The first time I met someone with a disability was my grandfather who walked with a cane. I had no contact with people who were deaf. No contact with persons who were blind. I have no recollection of even seeing a person who was deaf. Not only was I not exposed to persons with disabilities, I had not met people of color either. I had no exposure to other cultures until I went away to college.

During my first semester in college, I became sick with a bad cold. I noticed I could not hear very well. I had a cold, cough, earache, sore throat, sneezing, the whole works. Of course, I did not go to a doctor. I hate going to doctors! I still hate going to doctors! So, 10 days later when my cold disappeared, I thought everything was fine. I went to class and I noticed I still could not hear or understand what people were saying in the classroom.

I could not hear, but you have to understand that it was not my fault. I did not believe I was becoming deaf. I could not accept that I was deaf or losing my hearing. It had to be someone else's fault. It had to be that there was a problem with the television. The volume control was broken. I could not understand the teacher because the teacher was mumbling. Other students in the classroom were talking and making it difficult to

hear. My friends were whispering because they did not want me to understand what they were saying. That was my experience. I will not go into depth about all the feelings at this time.

The reason I am here today is to talk about the different groups of people with hearing loss and to help develop an understanding of these groups. For persons who are Deaf, the National Association of the Deaf (NAD) has been around for a long time. It was established in approximately 1880. Self Help for Hard of Hearing (SHHH) has also been around for several years. What happens when a person becomes deaf? I knew nothing about those groups. There was nothing for me. I had never before met a person who was deaf. I did not know what to do. It was a very frustrating experience but I somehow managed to live through it. Tonight, as President of ADARA, I plan to discuss these different groups and hopefully, I will be able to help professionals in the field develop a better understanding of the different needs of these groups. That is my goal.

It was almost two years before anyone told me about any kind of services for persons who are deaf. I spent the first two years with no effective method of receptive communication. I now call those two years "communication hell", and I do not wish that type of problem on anyone. One of the most frustrating experiences you can have is to be living in a world where you know what is happening, but you can not understand. You see something happen, but you are only guessing at what people are saying.

Changes were forced on me. My old hobbies included listening to the radio. I could not do it any more. Throw the radio out of my life. Also throw out television, music, telephone, and talking with my parents. This was back in 1971; if they had TTYs, they were the big models, but I knew nothing about them.

I want to talk about the different populations and give you my definition or explanation of them. First is Hearing people, but I do not think I need to explain them to you. I have done deaf awareness training for professionals in other agencies. When I do that training, it is the first time they have ever been labeled as hearing. People who work with persons who are deaf or hard of hearing use that term all the time but outsiders have never heard it. I love putting labels on those people.

I describe Hard of Hearing people as those who are able to benefit from assistive listening devices or lipreading skills so that they are able to communicate through speech. They are able to benefit from assistive devices in some way.

I describe Deaf, or culturally Deaf people, as persons to be fluent in sign language, most often ASL. They are involved in Deaf groups and accept that they are deaf. They are proud to be deaf and do not see deafness as pathological. Communication is the issue for them.

For deafened, I will use two terms - deafened and late-deafened. I sign late-deafened using the signs "become deaf". People become deaf in different ways. It is not always sudden or traumatic like my hearing loss. I became deaf or acquired a severe hearing loss in 10 days. I was not ready for it and I did not know what was happening. Other people grow up with a mild hearing loss, and are able to function as hard of hearing. As the hearing loss continues to decline, they become audiologically deaf, and they are no longer able to function as a hard of hearing person. Assistive devices no longer benefit them for understanding speech or assisting with

30

lipreading. There are also people who start with normal hearing, become hard of hearing, and then deaf. It is a more gradual process.

I have described Deaf people as being able to communicate in some form of sign language. I have described Hard of Hearing people as being able to communicate with assistive devices. I like to say that deafened people do not have receptive communication and cannot communicate. They can not understand anything. Sometimes I feel that is really true, especially in the beginning stages of deafness. Most of the time, their only effective method of communication is writing and reading. That is why I am happy that technology has allowed the development of realtime captioning because without it, most deafened people would be lost. They could not function and could not be involved.

You may be aware of the different groups I have mentioned that provide support to persons with hearing loss - National Association of the Deaf (NAD), Self Help for Hard of Hearing (SHHH) and Association of Late-Deafened Adults (ALDA). Support groups are a very important issue. These groups were established to allow people to meet their peers, people with similar conditions. That is very important. One of the best healers is to meet someone else that has the same situation you do. Whether it is women's groups, Black groups, Hispanic groups, or deafened groups, it is important. People having something in common appreciate the opportunity to get together and discuss it. Compare notes, so to speak. With deafened adults, ALDA is the new kid on the block. It started in 1987 as a group that was set up to be a self-help support group. I was not involved in that initial group. I believe I was invited but I had come to accept myself as deaf and did not see the need for this type of group. I realized several years later how wrong I was.

To better explain this perception, allow me to give more details about my personal history. I believe my perception, at that time, of ALDA and becoming deaf is very similar to that of many professionals working with persons who are deaf.

I mentioned that I spent two years with no receptive communication. I went for what seems like 100 hearing tests and it took almost two years before someone told me about Vocational Rehabilitation (VR). Finally! A social worker at the hospital where my ears were being examined made the referral to VR. I was fortunate to have a good counselor. He did not blow me off. I had no receptive communication skills, but he was able to deal with me. He would write for me and provided me with the information I needed. He gave me information about this place called Gallaudet College. He also gave me information about National Technical Institute for the Deaf (NTID), and all the different postsecondary programs that were established back in the early 1970's for persons who were deaf or hard of hearing. The term deafened was not frequently used back then. Someone just told me that deafened is not a word. They do not like it. I don't know if it is a word or not but I use it.

I decided that Gallaudet College best met my needs but I would need to learn sign language. I took one six-week class before I went to Gallaudet. I was very proud of myself and I could sign "My name is S-T-E-V-E". I was proud that I could sign that. I had no idea what was involved at Gallaudet. I will just tell you that I

had a real culture shock when I arrived at the Gallaudet campus. I was totally lost trying to understand the other students.

Something else happened that you need to be aware of, as maybe it happens with other people who have become deaf. I had grown up as a hearing person and, for some reason, I had developed a patronizing attitude toward persons who were deaf. The word deaf bothered me. I did not like it. I said I was hard of hearing because that term did not bother me. I could not make myself use the word "deaf" to describe myself at that time.

I am not sure why, maybe because I had grown up without exposure to persons with disabilities, I had developed a general attitude that people with disabilities were inferior to able-bodied people. When I was planning to go to Gallaudet, I had big plans for myself. I was going to be BMOC! Big Man on Campus. Because I had grown up hearing, I was better than all those people who grew up deaf. I was going to join the football team and become an All-American. All it took was one day on the football practice field to find out that if the other person weighs 250 pounds, runs fast and hits you, it hurts. Believe me, I did not do that well at football. I played some but I was not wonderful. I was lucky to get into the game and was nowhere close to being an all-American.

It is important for people working with the deafened population to understand that maybe they have this attitude. Perhaps they are not looking down on people who are deaf, but they are not comfortable with the term deaf. A recently deafened person may be especially uncomfortable with the term. It is very easy for them to withdraw, sit at home alone, and do nothing.

Another experience I want to share is related to assistive devices. For three to four months, I probably was able to function as a hard of hearing person. I really do not remember that time well as I was busy denying I was deaf. I look at my old audiograms that show a moderate hearing loss so maybe I was hard of hearing. I remember going to the store to buy a hearing aid. I had the belief that, if you become deaf, the cure is to buy a hearing aid. A hearing aid will solve all your problems so I decided to buy a hearing aid. My parents and I went to the store about five blocks from campus. The man gave me a hearing aid and let me test it. Now, understand that this was a very small store and he turned on the volume and talked to me. I could understand him and that was wonderful. The hearing aid works!

The salesman gave me a telephone and dialed the time. I picked it up and could understand the time. This hearing aid was going to solve all my problems. I walked back to campus feeling really good. But, when I arrived on campus, I found out I still could not hear the television. I still could not understand my friends in the dorm. The hearing aid broke on the way back to the dorm. I was not aware that environment plays a key role in the use of hearing aids. That a hearing aid is a cure for hearing loss is what I call a communication myth. The general public tends to accept this myth but it is not true.

Sometimes people who are deaf take the perspective that being hard of hearing is not a problem. Their hearing loss is mild so they do not have the problems that deaf people may face. That is not really true. Hard of

hearing people do have special needs. They may need assistive listening devices. Before you assess the issues a hard of hearing person may have to face, it is important that you understand their situation. Maybe they are working as a salesclerk where everyday communication is required with customers. That requires a lot of communication and sometimes, no matter how good your hearing aid may be or how good your lipreading skills may be, you are going to have a hard time communicating. It is important that professionals in rehabilitation understand that is probably a stressful situation for persons who are hard of hearing.

I have a 110 decibel hearing loss. I am more deaf than many culturally deaf people. After I quit attending a hearing college due to poor grades, I worked on a farm. The only person I had to communicate with was my uncle who knew I could not hear very well. I spent most of my day cleaning pig pens. You don't have to have receptive communications skills for that, just visual skills to avoid any angry animals..

In comparing my situation with that of the hard of hearing sales clerk, my hearing loss is more severe but who needs the most support or assistance? Probably the hard of hearing person because their work environment in the store is more stressful than working on the farm.

Because of all the time I spent cleaning pig pens, it is obvious why I wanted to attend Gallaudet. I wanted something better than going home smelling of manure everyday. I loved living on the farm and the work was helpful, but I did not have the aptitude to do it the rest of my life.

I was very fortunate to have support from my parents. They did not learn sign language immediately. They wanted to know why I became deaf and then checked out programs that would be helpful to me as a deaf person. I would not be here today if it were not for the support of my parents. It has been 25 years since I became deaf. They have taken two or three sign language classes. They still do not sign well but they have made the effort to learn. My four brothers have also taken at least one sign language class so I am fortunate that I had family support. I consider myself to be more fortunate than other people who have become deaf.

Now, let me return and talk more about ALDA. The organization started as a small group of 13 people who got together for beer and pizza in Chicago. It is still a tradition that when ALDA people get together, we drink beer. It is a requirement! Well, not really, but the idea is for ALDA to serve as a social outlet, helping people to get out of their homes, going out and enjoying themselves. I was not involved in the original self-help group because I did not realize the importance of peer interaction at that time. After graduating from Gallaudet, I worked for two years and then chose to enter Northern Illinois University to pursue a master's degree in Deafness Rehabilitation Counseling.

It was at that time I began to accept myself as a deaf person. People who knew me at Gallaudet would be very surprised to see that I am now involved in the field of deafness. When I took classes in deafness rehabilitation, I started to understand what had happened to me. I was able to relate many of my personal experiences to what was being taught in the classroom. I began to understand why I had felt so angry and why I did not want to talk with anyone during that time when I was losing my hearing. But... I did not learn that about myself until ten years later. And I only learned it because I happened to go to graduate school to receive

special training in this area. Otherwise I would still be in the dark, not understanding why I felt different, why I was deaf and what was happening to me. I also began to understand why people who grow up deaf do some of the things they do. Why they may have a hard time with English. I remember when I first arrived at Gallaudet, I could not understand why people would always pound on the table and then sign. It took me a long time to figure out that it is necessary to get attention from people before you sign or talk. Having grown up in a hearing culture, I was not used to that behavior but it is a necessary part of Deaf culture. I now do the same thing myself and love it!!

I have come to more or less accept myself as a deaf person. When I heard that people were starting up a self help group for deafened people, I thought, "Why bother? Just accept that you are deaf." I was not really interested. I was also in the process of moving out of state at that time so I had a good excuse for not attending.

A friend of mine from graduate school was the leader of that self help group. Did you ever have seven or eight deafened people in the same room and have to figure out a way to communicate? The people had varying degrees of lipreading skills and hearing aids that were not really helpful. No one could really understand each other for group communication. I was not there but I have heard the story that how they communicated was through the use of a ditto machine. A person would write something, make copies, and pass the paper around for people to read. Another person would write something and the process would be repeated. I assume that was a true story.

I tend to believe the story because, after moving back to Illinois, the one thing that impressed me most about ALDA groups was the effort the individuals made to communicate with each other. I have never seen so many people be patient with each other. The ALDA communication philosophy is "whatever works". Whatever is successful. Many times that meant writing notes. Realtime captioning was not as well-developed as it is today. Fortunately a person involved with ALDA was a computer expert and he happened on to the idea of using computers for "ALDA Crude". ALDA Crude involved using a computer program with large print and hiring a typist who would type what was being said in the group. This was much more effective than the ditto machine but still had limitations because very few people can type as fast as people can speak. How many people do you know who can type 150 words per minute? People in ALDA groups using ALDA Crude would learn to speak for a short time and then stop to allow the typist to catch up. It is fortunate that court reporters later became involved and realtime captioning has advanced to the levels you are seeing here tonight.

As President of ADARA, it is important for ADARA to recognize the different groups involved. If you are a member of ADARA, you know that instead of calling ourselves the American Deafness and Rehabilitation Association, we are now known as *ADARA, an Organization of Professionals Networking for Excellence in Service Delivery to Persons Who are Deaf or Hard of Hearing*. One reason we modified it is because we want ADARA to be open to professionals in social services, human services, independent living, mental health and education working with person who are deaf or hard of hearing. People would previously see the word rehabilitation in the title and think it does not relate to them.

It used to be acceptable to use the term deaf alone. Hard of hearing people felt this term was not recognizing them so we have changed to deaf and hard of hearing. The term hearing impaired was also used but deaf people do not find the term "impaired" to be acceptable. Deaf and Hard of Hearing is supposed to be more politically correct. One of the first persons to see the new title was a fellow ALDA board member and the first thing she said to me is "Why didn't you include deafened in the tag line?". Being politically correct is a pain but hopefully people will understand we are referring to all persons with hearing loss. I do not have an answer on how we can satisfy everyone but we will try.

To return to speaking about some differences in the three groups. I recently started teaching a class in Deaf Culture and the term "think hearing" was discussed. For a long time my friends would refer to me as a person who "thinks hearing". I accepted that description because many of my behaviors, actions and responses are based on how a hearing person would react. When I use the sign doorbell, I automatically sign pushing a doorbell. A Deaf person may use the sign flashing light. Perhaps this is an example of different perceptions based on different experiences.

When I started teaching the Deaf Culture class, I learned of other meanings for the sign "think hearing". Some Deaf people use this sign to indicate a person who is opposed to ASL and prefers the created Signing Exact English systems. I am not opposed to ASL so I do not feel that meaning applies to me. It does not apply to many deafened adults. Deafened adults are not opposed to ASL although they often choose to learn Signed English rather than ASL since it is easier for them.

Deaf, Hard of Hearing, and Deafened individuals have many similar goals. One of these goals is communication access. I do not think there is person in this room who is opposed to communication access. I doubt any of you want me to take off the microphones, shut down the captioning and stop signing. While we all have the same goal, the methods of providing communication access for all these groups, however, are not always compatible.

Most Deaf people prefer the interpreter to be near the speaker, if the speaker is not signing. I know I do as I like to be able to see both at the same time. Most Hard of Hearing people prefer that the interpreter be away from the speaker because it is a distraction. They need to focus on lipreading and hearing. Now, when you set up realtime captioning, you do not always have a sophisticated video system so you need an overhead projector with a screen. Deafened people prefer a darkened area so they can read the captions easier and also want to see the speaker. Deaf people need the light to see the interpreter. Hard of Hearing people need the light to lipread. How do you satisfy everyone and still have communication access?

We are fortunate that access seems to be successful tonight. We have the advantage of sophisticated equipment and a large room but it is not always easy to do. I can remember speaking to an SHHH group in Nebraska. They asked me to hold the microphone that was linked up to their assistive listening system. I always sign and talk at the same time. They told me I did not need to use sign language but I could not stop signing. It

is my normal way. But how do you sign well with a microphone in your hand? I did it for that group but there were no people there who were dependent on sign language for communication.

I am happy to see that PEC is using realtime captioning for the plenary sessions. I am happy to see that other organizations have also started to use more realtime captioning. However, I believe ALDA and ALDA conventions are still the only sites where realtime captioning is used for every meeting and every workshop. ALDA could not be successful without realtime captioning. Reading captions is less stressful than lipreading or trying to hear. I think many hard of hearing people prefer captioning too. Many deafened people have not had exposure to sign language. Many people who have become deaf at 40-50 years of age grew up in a time where sign language was not considered appropriate, so they are reluctant to start learning sign language. If deafened people do learn sign language, it is more often a form of conceptually accurate signed English rather than ASL.

I would like to share with you an example of deafened people using signs that are not conceptually accurate. When ALDA was first set up, people started to sign the full name, Association of Late-Deafened Adults. How did they sign late? Most often it was the sign with your forearm pointing down from elbow. This means late or not yet so people were often signing "Association of Not Yet Deafened Adults". That was wonderful! That is why I explained the signs I was using involve *become deaf* rather than *late deaf*. However, I have seen the "late" sign used by prominent Deaf professionals so it is not only deafened people who use this inaccurate sign.

Recently, the Research and Training Center on Persons who are Deaf or Hard of Hearing at the University of Arkansas did a study on ALDA members and the communication strategies they use on the job. Approximately 350 people replied and it was found that 65-70% use lipreading for communication. Only 20% stated they use sign language or feel comfortable using sign language. Only 5% of those responding said they were not interested in learning sign language.

Many deafened adults are not fluent in sign language. Personally, I have seen more deafened people become interested in learning sign language after they have had exposure to it. I have seen them start to use it with other deafened adults because they see that it can work. It is easier than trying to write to each other. However, at work or at home, they depend on lipreading and other methods of communication. I feel that 20% response is very good because that is a larger percentage than I observed at my first ALDA convention in 1990.

It is important to remember, that while more deafened individuals are learning sign language, sign language is NOT THE ANSWER. I repeat, for a person who has become deaf, sign language is NOT THE ANSWER. The same is true for persons who are hard of hearing. Learning sign language is not the answer. Learning sign language may be helpful, but professionals have to realize there are other issues the individuals must address. They need support and adjustment counseling. What any person who has gone through acquired hearing loss needs is appropriate, realistic information. Many of these people have dealt with what I call the "communication myths". They have tried hearing aids. The have read the ads that say "If you can hear sounds

but not understand speech, this hearing aid is for you." That is part of the problem. I know it was part of my problem. Not being able to understand speech is the problem for many persons with hearing loss. You get a hearing aid and you still can not understand speech. Your comprehension score may improve but not enough to allow you to function in all situations.

People need to understand that hearing aids are assistive devices, not corrective devices. You buy glasses and most of the time the glasses help you see more clearly. Glasses work for me. Hearing aids never worked for me as far as speech comprehension was concerned. I was more aware of my environment with a hearing aid but my comprehension scores showed minimal increases.

The second communication myth is that if the hearing aid does not work, it doesn't matter because all deaf people can lipread. The general public believes that. People who become deaf or acquire hearing loss believe that lipreading is the answer. Now, really, it is not. You can only see about 33% of the sounds that are said.

Most people believe these myths about hearing aids and lipreading. I know I believed them. Hearing aids did not help me and I volunteer myself as one of the worst lipreaders ever. The only sentence I can lipread is "Can you read lips?" and that is because I have been asked that question a thousand times in the last 25 years. Practice makes perfect.

If you fail with a hearing aid and you fail at lipreading, what is left? People tend to emphasize the negatives of deafness. They focus on the things they can not do. I felt many emotions personally. I love sports. I spent all my free time listening to baseball, football and basketball games on the radio. After I became deaf, I could not do that any more. The social adjustments and trying to tell my friends I was deaf were very stressful. What are they going to think when I do not understand them? I did not admit that I was deaf. I was good at faking it, laughing when they laughed and playing the game. I am still very good at faking it. Not all my high school and hometown friends know that I am deaf.

Professionals need to be aware of these emotions and the need for assistance in adjusting to deafness. All persons with hearing loss, Deaf, Deafened or Hard of Hearing, have to start being more assertive and saying we do not understand. Professionals need to be prepared to provide the necessary assistance in teaching this skill. I admit I do not practice what I preach and do not admit when I do not understand. I have more or less developed an attitude that I don't care that I don't understand. As long as I do not get a strange look, I know my bluff answers are accepted.

People with hearing loss also need to learn to deal with hearing people who say "bye bye" or "sorry" and leave you after you tell them you are deaf. That has happened to me often. I have good speech so many people do not believe me when I say I am deaf. I guess deaf people are not supposed to speak well.

Professionals need to recognize the benefits persons with hearing loss can receive from meeting their peers. I have already talked about ALDA, SHHH, and NAD. There are also other groups such as the Alexander Graham Bell Association. You have to select the group or groups that may be most appropriate. Most of the

37

time, people with recently acquired hearing loss will have no information about these groups. They need assistance and I believe that contact with peers is one of the best remedies. That was my personal experience and I think other people agree with me. I know that I felt much better about myself when I went to Gallaudet and saw 1,000 other deaf people. I realized that I was not the only person who is deaf. I am not the only person who uses sign language. Of course, I did not understand 900 of them because they were using ASL, but they were still using sign language.

For some reason, I was never embarrassed about using sign language. Some people who become deaf or hard of hearing do not want to learn sign language. It is my feeling that it is their choice. They need to know what their options are. If they want to rely on lipreading and hearing aids, that is fine, but there may be limitations with these choices. Of course, beginning signers will not understand everything either. If the person learns sign language, where will he or she use it? Where will they be able to practice? There are not Deaf clubs in every city.

There is also the issue of comfort. What will happen to a beginning signer, if deafened or hard of hearing, who goes to a Deaf Club? Because the person will not be fluent in sign language, it is very likely he or she will not feel comfortable. Most of the Deaf people there will be polite but they will not always sign slowly or repeat themselves for the newcomer. This creates a feeling of discomfort. Similar situations will occur to the deafened person who socializes with hearing friends. To some degree, people will speak slower, but not all the time. Group conversations are difficult to follow and it is awkward to ask people to repeat themselves more than once.

Those are the situations I was facing when I discovered ALDA. It is hard to describe the feeling I had when I first became involved with an ALDA group. Something clicked and I knew I would fit in. I had become comfortable with Deaf people but I was more comfortable with deafened people. We had the same experiences. We had families who did not sign well, husbands or wives who did not sign, parents who did not sign, and other common frustrations. I do not think anyone has done a comparative study but I am willing to bet that the situation with deafened adults and their families is very similar to born-deaf children and their parents. I feel the family responses would be similar in regard to communication. Other adjustments would be different but I feel communication results would be similar.

People who become deaf or hard of hearing need support from their peers. They need support from the professionals working with them. They need information. The big problem we have is the time gap between acquiring hearing loss and receiving appropriate services. That is a large problem and I do not have a solution for you tonight. One suggestion would be to train all the audiologists. Train them to give information about vocational rehabilitation, ALDA, NAD, and SHHH. I have tried that and had limited success. The joke is that audiologists only listen to other audiologists and we are still trying to figure out who the ear doctors listen to.

There is a need for more court reporters skilled in providing realtime captioning. The technology has been developed but court reporters have not yet been trained to use it. They do not always have the right

software or hardware that will allow them to do this. The demand for realtime captioning is increasing, in part due to requests from deafened and hard of hearing consumers. The National Court Reporters Association has developed a certification test for realtime captioners. There are only about 400 certified realtime reporters in the United States. We think we have a shortage of sign language interpreters but the situation is more severe with certified realtime reporters. The cost of providing realtime captioning is expensive. The normal rates fall in the $100-125/hour range but the overall cost must be weighed against the benefits of having a transcript of meetings.

State agencies need to develop policies for providing realtime captioning that is similar to the provision of sign language interpreters. I found out at this conference that California State University at Northridge has a full time captioning coordinator and 11 hourly captioners. I think that is great. It is wonderful to see a university providing that type of communication access. We need more programs to do that.

The important item I am trying to emphasize tonight is to understand the people you are working with. Use the "whatever works" communication philosophy. It is very difficult to provide counseling services to a person with no receptive communication skills. I cannot give you the best answer on how to do that because it will vary according to individual and the resources available. You may want to write everything. You may want to use a computer in your office and type for the person. If you are skilled at sign language, writing and typing requires more effort but you need to use a system that works.

Become aware of the support groups that are available in your area and provide information on the national organizations as well. As I said earlier, SHHH, ALDA, and NAD can provide invaluable personal support for individuals and are available at national as well as local levels.

My presentation tonight has been a bit slanted in providing the deafened person's perspective. I have received substantial benefit from my involvement with ALDA. We are starting to establish our own ALDA culture. Anyone who wants to observe this culture should attend ALDAcon, an ALDA convention. The idea is to put deafened people in a situation where they can meet each other and communicate comfortably. We show them they can do the things they used to do before becoming deaf. They can still dance. They can still sing. ALDAcon features a karaoke party and it becomes wild. We have captioned songs from the 1960's and 70's. It is wonderful. The advantage is that most of the people there are deaf so when you start to sing, it doesn't matter because people can't hear you. I can remember singing "California Girls" and blowing off steam. People who are deaf, deafened or hard of hearing can have fun. It is important for them to have positive views of life.

It is important to understand each other. That is the goal of ADARA. That is the goal of ALDA. It should be the goal of any group that is working with persons who are deaf, deafened or hard of hearing.

Thank you.

The Impact of Change on Student Services

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Good afternoon, everyone. I would like to start by telling you a story that I first heard from my nephew several years ago when I attended his graduation from high school. He was the valedictorian of his graduating class and therefore gave the commencement address. He started out by telling a story about a gentleman who bought a new, very flashy, sports car and decided to take it out and test it on the road and see what it could do. He's out tooling around at high speeds on some country roads, and as he approaches a blind curve, a woman comes careening around the corner, swerves into his lane and back out again. As she passes him, she rolls down her window and yells "pig."

The man is taken aback. He thinks, "How dare she! I've never seen her before. Besides, she was in my lane, I wasn't in hers!" So he rolls down the window and shouts, "Cow." He is feeling very good for having gotten off this stinging retort in time. He then goes around the corner -- and hits the pig!!!

Now, my nephew's question to his fellow graduates was, "Will you recognize an opportunity when it presents itself?" My question to you here today is, "Will you recognize a warning when you hear it?" I would like to talk today about some danger signs that I see coming up on the horizon for students with disabilities in general, in higher education, and specifically for deaf and hard of hearing students.

The First "Pig in the Road"

As I look down the road at where we are going with services for students with disabilities in higher education, the first pig that I see in the road looks, at first glance, very militant. When you get a little closer, he looks a little bit war torn and a little worse for wear. I think the danger here lies in trying to find a balance between fostering a good self-image for students who are deaf and hard of hearing and endangering the protections that they have available to them in the process.

More and more, I hear a discussion of deafness as a culture and sign language as a language different from, not inferior to, standard English. I believe that. I agree. But I also believe that deafness is a disability. I believe that people who are deaf have a significant limitation, as opposed to their hearing peers, in communicating and interacting with the world around them. I don't believe that deafness represents an impenetrable barrier. I don't believe that it is the fault of the person who is deaf. I don't believe that it is the sole responsibility of the deaf community to bridge the gap to the hearing world that is created by their deafness any more than it is the responsibility of those in wheelchairs to build their own ramps.

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I do believe, however, that deafness is a disability in our society, and that in the process of building Deaf Pride, we may move the perception of deafness out of the realm of disability and into the realm of cultural diversity. And I believe that might be to the detriment of deaf students.

Culturally diverse populations are not protected by law. People with disabilities are. International students for whom English is a Second Language are not entitled to be presented classroom information in their native language. Deaf students can demand that information be provided in their first language because they are disabled, and thus legally entitled to equal access. Non-native speakers of English cannot demand that signage be in their native language or that telephone operators be multilingual, but deaf individuals can demand the presence of alternative delivery systems and full access, often at some expense to the provider, because they are disabled and therefore legally entitled to equal access. I worry that if the deaf community chooses to discard their affiliation with the disability community, they will lose the protections that go with it.

Look at what is happening on college campuses today. . . threats to Affirmative Action laws and programs, challenges being made to the issues of cultural diversity and inclusion, the resurgence of racism and prejudice. If we drift too far from the civil rights nature of legislation that protects people with disabilities and, under that umbrella, protects people who are deaf and hard of hearing, we run the risk of losing the protection that was granted in that process.

I think we need to remember that the reason the ADA got passed is because for the first time in the history of this country, people with disabilities came together as a group and said, "None of us are well served unless all of us are well served." Only because the 57 million people with disabilities in this country and their families came together and put pressure on Congress to get the law passed, did it get passed. If we pull out of that to any extent, if we lose that sense of community that put the whole thing together, we could lose a lot more.

The Second "Pig"

The second pig in the road is wearing a sign that says, "Credibility," with a great big question mark after it. The ADA and 504 are both civil rights statutes--nothing more and nothing less. They promise non-discrimination on the basis of disability. Yesterday I was in Kansas speaking to a group of service providers, and their major concerns centered around learning disabilities. I talked for some time to that group about the fact that when they start thinking about providing services, they need to remember that there is a difference between documenting that someone has a disability and documenting that someone has a need for accommodation. They are two different things.

By law there is a definition established for "a person with a disability". If you fall under that category, if you are part of that protected class, what you are entitled to--and all that you are entitled to--is not to be discriminated against. We do not provide accommodations for students at the postsecondary level because they are disabled. We do not provide the accommodations because they carry the label of being a person with a

disability. We do not provide accommodations because the laws we operate under are a continuation in some way of the special education laws and regulations. We do not provide accommodation because we feel sorry for them or want to give them an advantage. We provide accommodation only if not providing the accommodation would be discriminatory--that is, only if not providing the accommodation would set up a situation in which that individual did not have equal access to the educational setting.

It is not discriminatory to deny accommodations to persons with disabilities who don't need them. We do it all the time. I don't know of a single college or university that provides sign language interpreters for their blind students. Blind students are clearly persons with disabilities and sign language interpreters are something that we know is our responsibility to provide. But we don't provide sign language interpreters for blind students because they don't need them, can't use them, and would not have any better access to the educational system or setting if they were there!

With that having been said, recognize that, in truth, we have traditionally provided accommodations for deaf and hard of hearing students because they are deaf and hard of hearing. We have established that they are deaf or hard of hearing by visual inspection, by conversation or, in some cases, from audiograms. We have established their hearing loss and we have then guessed at what kind of accommodation they should have or is appropriate. We have no documentation that says, "If this is the profile in terms of the individual's disability, then this is an accommodation that is appropriate in order to equalize the playing field." We have made assumptions and thus far those assumptions have, for the most part, served us well, but it's not going to go on forever.

Right now the people who are serving students with invisible disabilities are under a lot of fire from the academic community to show that the accommodations they are setting up and insisting on for students with those disabilities are justifiable. "Show us that this accommodation, in fact, equalizes the playing field and does not give the student an advantage, does not interfere in some way with what else is going on. Show us that there's a legitimate reason for asking for these accommodations." Thus far we have not dealt with that kind of skepticism for deaf or hard of hearing students because the disability is so much more evident in terms of interaction. Because of communication problems, or the presence of an interpreter, or the presence of a hearing aid, the academic community is more accepting of the reality of this disability, so they have been more willing to accept our statements about what kinds of accommodations are appropriate. Sooner or later, however, there will come a time when they start looking at what we are doing for those students as well.

What we have to examine at this point in time is whether we have any information that will allow us to answer the hard questions when they start getting asked. Let's use notetakers as an example. It's pretty obvious that you can't write notes and watch somebody at the same time. Since our deaf and hard of hearing students are, at least to some extent, listening by watching, we generally can justify the need for a notetaker without a lot of problem. But can you justify the need for a notetaker with certain kinds of training? Can you justify that any old notetaker is going to be good enough for this particular student? On what basis do we make

the decisions about what kind of training should be provided or what kinds of skills are necessary in order for the accommodation to do what we say it's going to do--which is to provide a level playing field.

Interpreters. I have had numerous calls from service providers who say, "I have a deaf student who is requesting an interpreter. This is an individual who has never used an interpreter before (either a newly deaf adult or someone who came through an oral program in school). We'll provide the interpreter if it's appropriate, but how do I know if it's appropriate? How do I know if this person can really make good use of that interpreter? My answer is, "I don't know!" At this point in time, I don't know that we have any way of establishing for whom that is a reasonable request and for whom it is not.

Extra time. This is a particularly interesting accommodation to discuss in this context. It is not uncommon for us to request extra time on tests for students who are deaf or hard of hearing. As service providers, we know why it is necessary. It is necessary because often these students are dealing with English as a Second Language. They need the extra time to sort through the language issues, to understand fully what is being asked, and to be able to create a response that is appropriate. However, that is certainly not the argument I would want to make to faculty in this day and age. As noted, students for whom English is a Second Language and who have language differences are not necessarily entitled to extra time on tests because of their language difference. I do know some institutions where they have instituted such a policy. They have said, "Non-native speakers of English will get extra time on their tests. We are more concerned about what they have learned of the subject matter than their English competency." However, if you are not fortunate enough to be housed at such an enlightened institution (is that an oxymoron?), then to ask for extended time because English is not the student's native language is to ask for an accommodation based <u>not</u> on disability, but on difference. The student is not legally entitled to that. However, a student <u>is</u> entitled to ask for the accommodation of extended time if the disability interferes with their ability to follow standard English in the typical fashion. That is why we ask for extra time for learning disabled students--because their disability interferes with their ability to process standard English in the typical amount of time. Sometimes we may be dealing with nothing more than how to phrase the requests and the documentation, but that phrasing may be important in providing justification and credibility for the accommodations we believe are important for students.

Assistive listening devices. Perhaps you know of studies that I don't, but I am not aware of any information that tells us what the audiological profile is of the individual who can successfully make use of an ALD versus those that cannot. I know that it is not just a question of how much you hear, but also a question of your language competency and what other cues are available within the environment, and so on. I am not sure that just looking at the audiograms is going to give us the justification we need. . . but what is going to do it? How do we justify saying this individual needs and should have an ALD but this individual really is not in a position to benefit from one?

I think justification of accommodation requests will become a big issue quickly when we start dealing regularly with students who are requesting real-time captioning. The price tag that is involved with real-time captioning is very high in most of the areas around the country. As we have more students making the request, the question that is going to be asked--it's already being asked-- will be, "Is this justified? Is this a reasonable accommodation?" When we consider the rather frightening statistics about the average reading level of many students who are deaf and hard of hearing in higher education and listen to the concerns expressed by people working with deaf students at the postsecondary level about getting them through basic English competency tests, how will we answer questions about whether it is appropriate to provide a very expensive accommodation that demands a high level of proficiency in both reading and language? How do we show them that this is justifiable and appropriate? We don't have the documentation. We don't have any way of justifying what we ask for regularly. Thus far nobody's looking closely. They are too busy picking on people who are easier targets, because they think they can argue the existence of some disabilities. But as money gets tighter, and, possibly, as some of the disability backlash continues to surface, sooner or later there will come a point in time when we need to be concerned about whether we can provide credible evidence that the accommodations that we request for students are, in fact, justifiable in establishing the aim of accommodation--nondiscrimination, a level playing field. I don't think at the moment we have that kind of information available to us.

The Third "Pig"

The third pig in the road is wearing a sign that says, "Who's going to pay for all this?" Let's talk about the situation between the postsecondary setting and the Vocational Rehabilitation system in this country and deal very specifically with the issue of whose responsibility it is to pay for interpreters because that is the issue that has been raised.

Let me digress for a quick history lesson. In Subpart E of Section 504 of the Rehabilitation Act of 1973, it was established that among the accommodations, auxiliary aids, and services that must be provided for an individual with a disability in postsecondary education, is alternate forms of accessing material, including interpreter services. If you read the implementation guidelines regarding Subpart E, and Section 504, there is specific reference (dating from the initial guidelines in 1977) to the fact that sign language interpreters must be available for those who have need of them and that it is assumed that colleges and universities will access other agencies such as the Vocational Rehabilitation system, in helping to mitigate the costs involved whenever possible. In other words, Congress assumed that other existing agencies could be looked to as a means of holding down the cost involved in providing this service to students with disabilities in higher education.

In 1978, the case hit the courts that has been our case law precedent since that time. In Jones *v.* the Illinois Institute of Technology (IIT) and the Illinois Department of Rehabilitation Services, the question came down to, "Who's going to pay for the interpreters?" The answer was very clear at that point in time. If the student is a client of the Vocational Rehabilitation system, then VR will pay for the interpreter. If the student is

not a client of the Vocational Rehabilitation system, then the institution must see to it that the interpreter is there at no cost to the student. If you go back to the IIT decision, you will find that it does not say that the institution must pay for the interpreter out of a line item in its budget. It does not say that the institution must make arrangements within their system to have a pot of money set aside to pay for interpreters. It says if the student is not a client of VR, the institution must see to it that the interpreter is there at no cost to the student. If they want to do that through a regular line item in their budget, that's fine. If they want to do that through a special appropriation as needed, that's fine. If they want to hold pancake breakfasts on Sunday morning and put the money into a pot to be used for interpreters, that's fine. Essentially, the court said, "We don't care where it comes from as long as it doesn't come out of the hide and out of the pocket of the student who is deaf." We operated comfortably under that rule for a long time. If a student was a client of Vocational Rehabilitation, VR paid for the interpreter. If not, it was the responsibility of the institution to see that the interpreter was there.

In 1994, the CSAVR, the Council of State Administrators of Vocational Rehabilitation, sent a letter to the Department of Justice (DOJ), referred to in the inner circles as "the Janet Reno letter." The letter asked Janet Reno, as Attorney General of the United States and, therefore, the head of the Justice Department, for a reading on relative responsibilities between the Vocational Rehabilitation system and the postsecondary institutions regarding the issue of auxiliary aids and services--specifically, interpreters.

I was cautioned at this point to tell you that what I am about to give you is AHEAD's reading on the situation. Please consider this is kind of the disclaimer! This is not the reading of the management. They will disclaim any knowledge of . . . ----*Okay, you get the picture!*

In the Janet Reno letter, the authors attempted to make a case for the fact that now that the ADA is in place, and ADA clearly says that postsecondary institutions will be responsible for providing auxiliary aids and services, it is no longer appropriate to look to the Vocational Rehabilitation system to supply sign language interpreters for deaf students at the postsecondary level. AHEAD has opposed this argument on two different bases. First, the specific language referred to in that letter regarding the enhanced responsibility for providing auxiliary aids and services appears in Title II of the ADA. Not all colleges and universities out there are covered under Title II of the ADA; it only applies to public institutions. Private institutions are not covered under Title II, and there are deaf students at private institutions as well as public institutions. Clearly, the argument has some gaps in it because it is based largely on something that doesn't cover the full range of students and institutions that are potentially impacted by the case being made.

Beyond that, it is true that within Title II, there is discussion of making sure that auxiliary aids and services are there so that an individual is not discriminated against by virtue of those aids and services not being present. It does NOT say, in Title II that the institution must provide such services--it says the institution must see to it that the aids and services are there. It is reminiscent of the earlier statement, regarding Section 504, that indicates such aids and services must be present at no cost to the individual. As with previous

compliance decisions, the statement could well be interpreted to mean that if you can find another way of seeing to it the necessary services are present, that's fine--just make sure the student doesn't get left out as a result.

Moreover, I have some problems with the idea that because of the coming of the ADA, interpreters are no longer the responsibility of Vocational Rehabilitation because the VR system, as a federally-funded entity, is not covered under ADA. VR is covered under the Rehabilitation Act and Section 504, and those regulations--and obligations--are still in place. I don't understand how the coming of the ADA should alter VR's responsibility under an existing and ongoing statute and case law regarding relative responsibilities under 504.

Regardless of my view on the whole thing, the letter was sent (I believe it was dated late May of 1994)! In the months that followed, we saw and heard more and more reports from institutions across the country, and from state systems across the country, about Vocational Rehabilitation systems who were either taking a wait and see approach ("We're going to wait until we hear back on this letter we've sent before we fund any more interpreters"), or who were saying, "Oh, VR is no longer responsible for funding interpreters because we've sent this letter to the Department of Justice." The assumption was that, because the question had been raised, the case had been established.

When the ADA was implemented in 1992, the Department of Justice looked around and said, "We are going to have our hands full dealing with issues that arise for entities that have never been covered before under previously existing statutes. Section 504 is alive and well and, Department of Education (DOE), you still have enforcement authority over Section 504 as it applies to colleges and universities. Since anything that is in the ADA is, for the most part, also in Section 504, we will give you authority to investigate any 504 complaint as an ADA complaint on our behalf as well, as long as you investigate it under our slightly more stringent standards." My understanding is that there is something called an "inner agency agreement" in place between DOJ and DOE that says if a question of services and support for persons with disabilities arises in colleges and universities, the Department of Education will be the one to respond first to such questions. In this case, the letter was sent to Janet Reno as the head of the Justice Department because the Justice Department has enforcement authority over Titles II and III by Congressional mandate. But because the letter was sent to DOJ and DOJ has passed off on those responsibilities, there has never been a response to the letter!

Because there has never been a response to that letter, we have seen Vocational Rehabilitation agencies take a stronger and stronger stance in the intervening time. Many state agencies seem to be saying, "The Department of Justice hasn't contradicted what we said, so we have to assume that they agree with us that it is not our responsibility anymore!" We are seeing more and more state agencies pull back from provision of interpreters. I could give you example from across the country, but the most recent one I saw came from the State of Washington. The Vocational Rehabilitation agency there has announced within the last month that beginning in July of 1997, they will no longer be providing interpreter services for any of their deaf clients.

In October of 1995, there was another letter that got circulated widely within the community. This one that is referred to as "the Norma Cantu letter." I believe Ms. Cantu is Director of Rehabilitation Services either regionally or for some specific area here in the southeast. Ms. Cantu had posed some specific questions to the Department of Justice regarding responsibility and interpreter services at the postsecondary level. The questions that were asked specifically were: (1) is it legitimate for colleges and universities to require students to apply for funding through Vocational Rehabilitation before they provide interpreter services? and (2) is it legitimate for colleges and universities to deny provision of interpreter services to deaf students until such a time as they have been through the process?

In the October, 1995 response, both questions were answered clearly, "No!" The Justice Department said, "No, colleges and universities may not require students to apply to the VR system," and "No, colleges and universities have no right to deny students access to interpreter services until they have gone through the system."

The letter went on to say, however, it is not illegal or inappropriate for colleges and universities to encourage deaf students to look into the availability of services and support through other agencies, including Vocational Rehabilitation. There is something in that paragraph to the effect that any expenses not picked up by the Vocational Rehabilitation agency would be the responsibility of the college to provide. Now, that says to me that the Justice Department thought that there would be some expenses that would be picked up by the Vocational Rehabilitation agencies if they took them on as clients.

In policy statements like the one I mentioned from the State of Washington, the reasoning is that since the Norma Cantu letter says that colleges and universities may not require students to go through VR for services, we are no longer going to provide these services. They are, in fact, threatening to withdraw services from students who are already clients of the Vocational Rehabilitation system because the letter says you cannot force students to go through VR if they are not clients of the system. I don't think that's what the letter intended.

It is important to understand that what we are really in the middle of is a standoff that is logically, and not inappropriately, motivated by concerns about spreading your resources as far as possible. Those of you who are working at colleges and universities know that money is tight these days. Colleges and universities are not looking forward to assuming the financial responsibility for interpreter services

On the other hand, the Vocational Rehabilitation system only has enough money, as I understand it, to serve about 20% of the individuals who are, in fact, disabled and therefore potentially part of their eligible population. VR would like to garner those resources and hang onto that money to be used for as many people as possible. If they weren't picking up these sometimes costly tabs for interpreter services, they would have more money to spend on other clients.

I am not faulting the reason that either side is looking to someone else to cover the costs. My concern is that students who are deaf and hard of hearing will be caught in the middle and will potentially be denied

services either for a short time or for a longer period of time while we get in a spitting match with each other about who's going to pay the tab!

It has been made very clear that institutions may not require a student to go back to VR. You may not withhold services until you've said see if there is somebody else out there you can get to pay for it and only then agree to pick up the tab. Colleges and universities have been told in no uncertain terms that this is their responsibility. But by the same token, I have seen nothing that indicates to me that the case law precedent set in Jones *v.* IIT back in 1978 has been changed. If the student is a client of Vocational Rehabilitation, then I think Vocational Rehabilitation has the responsibility for paying for the interpreters. If VR wants to get out of the business of funding interpreters for higher education, it may be that the only way they can do that is by not taking those students on as clients of the VR system--if they are not clients of VR, it is clear that VR has no responsibility for them. The deaf students are still going to get their interpreter services. They will get them from the colleges and universities, but they will be missing out on all of the other services that could be theirs if they were clients of the VR system--the career counseling, the advising, the tuition, the money for books, and the support that goes with it. VR does not provide just interpreter services for their clients. That is only a piece of what is available in support of such individuals. If, in order to resolve this issue, VR agencies decide that "if we don't take them on as clients, then it's clear who's got the responsibility for paying for interpreters," our deaf students run the risk of losing out on a lot more availability of support services.

Now let me play the devil's advocate. The reason that it was necessary for the Norma Cantu letter to be written and then disseminated is because there were colleges and universities across the country who had traditionally perceived their best course of action to be, "Stall as long as you can, try and get the student to go through some other route, and if you can get someone else to pay for it, better still. In other words, don't pay for it unless you have to!" I think there were students who were being left out and who were missing out on appropriate services because institutions did not have clear direction in this matter. There was not a clear statement on record that said, "This is not a choice. This is an obligation." The Norma Cantu letter has put that statement on record, hopefully to the benefit of deaf students in higher education.

Perhaps the resolution of the "Who should pay for interpreters" debate lies somewhere in between "us" and "them". Maybe the two parties--Vocational Rehabilitation and higher education--should be talking to each other about what pieces are appropriate for one group to pay and what pieces are appropriate for the other group to pay. When Vocational Rehabilitation supports a student to attend college, they are supporting the student in receiving the training needed to pursue an occupation; that way the student can get a job and will eventually become a tax-paying member of our society. Anything that has to do with access to the classroom and the educational opportunities are, in my mind, part of the training that is moving them towards VR's goal. On the other hand, when the student attends an institution, that student is a full participant within that institution, and has the right to all of the other opportunities and privileges that go with it, including the extracurricular activities, the graduation ceremonies, and so on. Perhaps Vocational Rehabilitation has a good

point in saying, "Those things are not part of the education that we are funding the student to get." Perhaps the cost of interpreters for those activities should be the college's responsibility. Maybe what we need to do is stop arguing about whose job it is and start discussing who is going to do what. Until we get to the point where we open up that kind of dialogue, the potential for students to be left out, or to get less than they should, is all too real.

The Fourth "Pig"

Once you get past the roadblock created by concerns about money, the fourth pig in the road seems to be focusing our attention on the issue of backlash against special populations. When college administrators talk about students with disabilities these days, they see increasing numbers and, therefore, increasing costs and then, all too often, they see red! There is also the potential for some backlash philosophically regarding equal access for people with disabilities. I started out by trying to make a strong pitch for saying people who are deaf need to be part of the disability community as a whole because it offers them protection. It also offers them a certain amount of danger. There is danger in being part of a group that is open to slings and arrows from a variety of circumstances. The situation that arose regarding students with learning disabilities at Boston University earlier this Spring poses a very real threat to the credibility of our students and the legal protections we maintain are theirs. On the other hand, the recent decision by the Department of Justice against the NCAA lends credence to the idea that students with learning disabilities are clearly included in the protections provided by the law. I think we need to be proactive and make sure that we are facing the criticism and the concerns that are raised not in an aggressive stance, but rather in an assertive stance. We need to be prepared to say, "These laws are all about civil rights, and equal access for people who are full citizens in the U.S. We will settle for nothing less than equal access. The reason we make accommodations is because not to do so would be discriminatory." In this day and age you would not find Boston University advocating that African-Americans not be allowed to sign up for certain courses because they didn't think they were smart enough to participate. But, in effect, what the Provost at B.U. said was that he didn't think that these people with disabilities were smart enough to have really gotten into B.U. on their own merit--it was only because they used their special status to skirt the rules. We wouldn't allow that kind of attack on any other group protected under our civil rights statutes. We can't allow it to happen to individuals with disabilities.

I think as we face the future, if you are concerned about students who are deaf and hard of hearing, you need to be concerned about all students with disabilities at the postsecondary level and what is happening for them and to them. In the end impact on all of us. If they pick off the LD students today, and those others who are easy targets, sooner or later they'll get down to the rest of us.

I started out with a barnyard analogy. I want to finish with a similar one. The story is about the barnyard animals who were sitting around one morning having a very high level discussion about philosophical concepts, like freedom and independence, involvement and commitment, and so on. In the end, the pig put an

end to the discussion when he turned to the chicken and said, "When Farmer Brown has bacon and eggs for breakfast, you're involved--I'm committed." By virtue of being here today and sitting in these seats, you have declared yourself as being involved and concerned about the future of students who are deaf and hard of hearing in higher education. The question that you need to ask yourselves is, "How committed am I to seeing to it that we don't lose the gains we've made and that we continue to move forward?" I believe each of us can make a difference.

Thank you.

50